THE NATIONAL HIGHWAY SYSTEM AND ANCILLARY ISSUES RELATING TO HIGHWAY AND TRANSIT PROGRAMS

(103–54)

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The National Highway System and Anc...

HEARINGS

BEFORE THE

SUBCOMMITTEE ON
SURFACE TRANSPORTATION

OF THE

COMMITTEE ON
PUBLIC WORKS AND TRANSPORTATION
HOUSE OF REPRESENTATIVES

ONE HUNDRED THIRD CONGRESS

SECOND SESSION

FEBRUARY 24; MARCH 1, 3, 8, 10, and 15, 1994

Volume I of V

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THE NATIONAL HIGHWAY SYSTEM AND ANCILLARY ISSUES RELATING TO HIGHWAY AND TRANSIT PROGRAMS

THURSDAY, FEBRUARY 24, 1994

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON SURFACE TRANSPORTATION,
COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION,
Washington, DC.

The subcommittee met, pursuant to notice, at 10:08 a.m. in room B–308, Rayburn House Office Building, Hon. Nick Joe Rahall II (chairman of the subcommittee) presiding.

Mr. RAHALL. The Subcommittee on Surface Transportation will please come to order.

The Subcommittee on Surface Transportation is convening today to determine the post-Interstate future of surface transportation in this country. The proposed National Highway System represents a new era, a new concept, of how the Federal Government will participate in the development and maintenance of those routes deemed the most essential to the economic well-being and security of our Nation. Devised by the States, recommended by the Department of Transportation, and now subject to Congressional designation, it is a network consisting primarily of Interstate highways and principal arterial roads and routes which provide access to intermodal facilities and defense installations.

Moreover, as our Secretary of Transportation, Mr. Peña, has stated, the establishment of the National Highway System is an important first step toward the creation of a fully integrated National Transportation System, a system firmly established on an intermodalism foundation.

Mr. Secretary, we welcome you to the subcommittee today, as well as your Administrator, Mr. Slater.

They say that past is prologue, but in this endeavor I think it is important that we look at the quote of Thomas Jefferson. He said that he much prefers "the dreams of the future to the history of the past."

So today, let there be no mistake about it. The matter at hand is the designation of the National Highway System within the time frame prescribed by the Intermodal Surface Transportation Efficiency Act. At stake is whether or not this Nation is up to the task of investing in these highways and interrelated facilities in order to provide for the efficient movement of people and goods within the United States, its territories, and possessions.

Before proceeding I recognize the distinguished ranking minority member, the gentleman from Wisconsin, Mr. Petri.

Mr. PETRI. Thank you very much, Mr. Chairman, Mr. Secretary, Mr. Slater.

As you have stated, we are here this morning to begin a lengthy series of hearings on the National Highway System and other highway and transit needs here in the United States. Our National Highway System, which was mandated in ISTEA, represents a new era in our country's transportation program. The country—and certainly our transportation needs—has changed since the Interstate System was initiated almost 50 years ago. The National Highway System is needed to update the Interstate System to address the dramatic changes in the American economy and to respond to changing travel needs in the 21st century.

With the National Highway System, the focus of our program has shifted from construction of the Interstates to a more comprehensive system of major roads which will link our population centers, ports, airports, rail and truck terminals, international trade routes, and military installations.

Unlike the Interstate program we have known, the National Highway System is not a massive construction program. More than 98 percent of the National Highway System is existing mileage. The majority of funds will be used to rehabilitate and upgrade as needed our Nation's key roads to improve efficiency and safety.

Although the 160,000 miles of roads which make up the National Highway System are just a small fraction of our nearly 4 million miles of public roads, the National Highway System will carry the vast majority of our Nation's trucking, commerce and recreational travel. The National Highway System will ensure the efficient movement of goods and persons through our Nation, which is the keystone to sound economic growth.

The importance of the National Highway System is demonstrated by the fact that the Congress has reserved a specific source of funding for this network of roads. ISTEA provides $21 billion over six years for the National Highway System in order to preserve and enhance this vital component of our transportation network.

I would like to commend the U.S. Department of Transportation, as well as each of the States and MPOs, for the fine job they have done in putting together the National Highway System map. This is evidenced by the fact that we have heard very few complaints about routes which should be on the map but are not, or other types of complaints, so obviously a lot of thought and hard work has gone into the product before us this morning.

We have been very clear about our intent to move legislation approving the National Highway System early this year. I certainly hope that our friends in the Senate will also see the benefits of moving a bill this year and follow our lead.

I also want to join you, Mr. Chairman, in welcoming Secretary Peña and Highway Administrator Slater to the subcommittee this morning. It seems we had not had much opportunity to invite you to appear before the subcommittee over the past year as we would have liked, so I am particularly pleased that you are both here with us this morning to kick off this important series of hearings. I know we both look forward to working with you on the National

Highway System, as well as other transportation matters in which we share a common interest.

Thank you, Mr. Chairman.

Mr. RAHALL. Thank you, Tom.

The Chair recognizes the very effective and distinguished chair of our full committee, one of the founding fathers of ISTEA, Mr. Mineta.

The CHAIR. Thank you very much, Chairman Rahall, and Mr. Petri, for the work that you have done as leaders on this subcommittee.

First let me acknowledge and applaud the strong leadership that is being exhibited by Secretary Peña as he exercises his stewardship over the Department of Transportation. We had a tragic and unfortunate Northridge earthquake in California, and both Mr. Slater and the Secretary immediately responded. I had an opportunity to be with him during part of that time. I know that he has made subsequent trips to California, and I believe he is going back this week, if he hasn't already. In any event, I just want to thank you very, very much for your strong leadership, and to you, Mr. Slater, for all the work that you have done since assuming your two respective positions.

I also want to thank you for your work on this National Highway System because without your leadership on the development of this NHS map, I'm not sure we would have gotten to this point of having such a comprehensive presentation through the NHS in response to the provisions of the Intermodal Surface Transportation Efficiency Act. I know that you've done an effective job because at this time, as Mr. Petri has indicated, the Committee has received very few requests for specific changes to the NHS map. To me, this is a clear indication of the Department's coordination with all the States, and it is a testament to the leadership they exhibited over the last year in organizing and developing the December 9th submission.

When we were developing the Intermodal Surface Transportation Efficiency Act of 1991, which everybody now knows as ISTEA, we were faced with an enormous challenge, a challenge to meet the needs of a new generation by making major but necessary changes to the Nation's surface transportation network; and now, with the passage and initial implementation of the ISTEA legislation, we have only begun to achieve our goals.

The discussions about a National Highway System began almost five years ago. We can build on those significant experiences and the success of the NHS model as we work to identify a National Transportation System to truly fulfill the intermodal goals of the ISTEA legislation. We need to connect our highways, ports, transit systems, airports, rail, and inner city bus routes. As DOT begins this extensive process, I look forward to working with them on this issue.

It is essential that we do not create a dynamic in which our transportation modes compete against each other. America will work best when all transportation modes are working together to compete in the global marketplace.

Mr. Chairman, I believe that with the ISTEA legislation we have made a tremendous investment in our future. The NHS map is an

integral part of that plan for our future, but there is still much to be done. We must remain vigilant in our efforts to ensure that America has a comprehensive, common-sense transportation network that will help our economy, improve safety, and enhance our quality of life.

So I am looking forward to what I understand is a spectacular presentation. Being from Silicon Valley, believe me, all of this electronics gear makes my heart palpitate. [Laughter.]

The CHAIR. So I really do appreciate the kind of leadership you have shown, Mr. Secretary and Administrator Slater. We have an equally effective team in Mr. Rahall and Mr. Petri, and Mr. Shuster, our ranking Republican on the full Committee, that wonderful gentleman from Pennsylvania. We are all equally anxious to review the gamut of NHS-related issues and to hear from both of you as you make your presentation, and in the weeks to come as we hear from our colleagues on this very important issue.

Again, thank you very, very much.

And thank you, Mr. Rahall and Mr. Petri, for your leadership, and Mr. Shuster, too, of course.

Mr. RAHALL. The Chair now recognizes that wonderful gentleman from Pennsylvania, the ranking minority member of the full committee, Mr. Shuster.

Mr. SHUSTER. Thank you very much, Mr. Chairman. I have to tell you, I feel that today is very historic, almost the equivalent of Lindbergh crossing the Atlantic or putting a man on the moon, because the Secretary of Transportation and Administrator Slater are discussing the proposed National Highway System with us today. I think it is the first time in the history of this committee, if not the country, a report was delivered ahead of the statutory deadline. Just think about that. I commend you; you have done an absolutely superlative job, and I think it's just outstanding.

There is no question that the National Highway System was indeed, and is, the centerpiece of ISTEA, and I think with very good reason. It is the backbone of the future of our ground transportation system. While comprising only 4.1 percent of our National Highway System mileage, the National Highway System will carry 40 percent of all highway travel, 75 percent of all trucking commerce, and 80 percent of tourist travel. So it represents an extraordinarily important investment in America's future.

The American people have made it very clear that they want personal mobility, which comes from having modern highways. Now, there are some social engineers who think the way to address our future is to limit highway travel and to get people out of their cars. I believe that's the wrong way to go. Instead, we should support all modes and we in Government should work to give the American people the kinds of transportation they want rather than attempting to restrict their travel. Indeed, one of the most significant statistics in my view is that 78 percent of the value of all freight is transported by trucks over our highways, and over 75 percent of all the cities and towns in America rely exclusively on trucks for freight delivery. In my own home State of Pennsylvania, over 85 percent of our cities and towns are served exclusively by truck. Indeed, in the past and into the future, the evidence is clear that we will see travel on our highways expand at a rate of about 3 percent

a year, which means that we simply must recognize the growth of our country, we must recognize the demographic changes, and we must provide a transportation system as we move into the 21st century that is going to meet these needs.

So I am very excited about the tremendous job you've done, Mr. Secretary and Administrator Slater, and I look forward to this committee moving quickly to authorize the National Highway System.

Thank you, Mr. Chairman.

[Mr. Shuster's prepared statement follows:]

OPENING STATEMENT

HONORABLE BUD SHUSTER

SURFACE TRANSPORTATION SUBCOMMITTEE HEARING

NATIONAL HIGHWAY SYSTEM AND RELATED ISSUES

THURSDAY, FEBRUARY 24, 1994

10:00 A.M.

2167 RHOB

- THANK YOU TO MY COLLEAGUES, NICK JOE RAHALL AND TOM PETRI, FOR SCHEDULING THESE HEARINGS EARLY IN THE SESSION SO THAT WE CAN MOVE FORWARD ON THIS IMPORTANT LEGISLATION.

- I WELCOME SECRETARY PENA AND ADMINISTRATOR SLATER HERE TODAY. I COMMEND YOU BOTH FOR THE EXCELLENT JOB YOU HAVE DONE TO PUT TOGETHER THE NHS FOR THE CONGRESS AND DELIVER IT AHEAD OF THE STATUTORY DEADLINE. I UNDERSTAND WE ARE IN FOR A TECHNOLOGICAL TREAT TODAY AS YOU ILLUSTRATE THE

NHS USING YOUR STATE OF THE ART GEOGRAPHICAL INFORMATION SYSTEM.

- AS WE SET OUT TO CONSIDER THIS NHS, WE MUST REMEMBER THAT EFFICIENT MOVEMENT OF GOODS, SERVICES AND PEOPLE ARE CENTRAL TO OUR NATION'S ECONOMIC HEALTH AND THE AMERICAN WAY OF LIFE. TRANSPORTATION IS A CORNERSTONE OF THIS NATION'S ECONOMY. WE SPEND NEARLY $1 TRILLION DOLLARS ANNUALLY ON TRANSPORTATION AND TRANSPORTATION SERVICES, REPRESENTING 17% OF THE NATION'S GNP. IN CONTRAST, HEALTH CARE, SUBJECT OF MUCH HIGH LEVEL DEBATE THESE DAYS, ACCOUNTS FOR ONLY 14% OF THE GNP.

- THE NATIONAL HIGHWAY SYSTEM IS THE CROWNING ACHIEVEMENT OF THE MAJOR REAUTHORIZATION OF THE HIGHWAY AND TRANSIT PROGRAMS WHICH OCCURRED IN THE ISTEA OF 1991. THE CREATION OF THE NHS IS THE

MAJOR REASON WHY PEOPLE CONTINUALLY REFER TO ISTEA AS "LANDMARK" LEGISLATION.

- THE NHS, MADE UP OF THE INTERSTATE SYSTEM AND THE MOST IMPORTANT HIGHWAYS IN THE COUNTRY, IS THE BACKBONE OF THE NATION'S TRANSPORTATION SYSTEM. WHILE COMPRISING ONLY 4.1% OF THE NATION'S TOTAL HIGHWAY MILEAGE, IT WILL CARRY 40% OF ALL HIGHWAY TRAVEL, 75% OF ALL TRUCKING COMMERCE, AND 80% OF TOURIST TRAVEL. INVESTMENT IN THE NHS REPRESENTS GOVERNMENT SPENDING AT ITS BEST: USER BASED TAXES TARGETTED AT HIGH RETURN INVESTMENTS.

- AMERICA'S RELIANCE ON ITS HIGHWAYS IS AT AN ALL-TIME HIGH. THE VAST MAJORITY OF PERSONAL TRIPS ARE OVER HIGHWAYS. 78% OF THE VALUE OF ALL FREIGHT IS TRANSPORTED BY TRUCK OVER ITS ROADS. OVER 75% OF ALL THE CITIES AND TOWNS IN AMERICA RELY EXCLUSIVELY ON TRUCKS FOR FREIGHT DELIVERY. IN MY OWN HOME STATE OF PENNSYLVANIA, OVER 85% OF ALL

PENNSYLVANIA CITIES AND TOWNS ARE SERVED EXCLUSIVELY BY TRUCK.

- WE IN CONGRESS HAVE A CRITICAL ROLE IN APPROVING THIS IMPORTANT NETWORK. MILLIONS OF AMERICANS WILL LOOK BACK ON OUR ACTIONS THIS YEAR AS HISTORICALLY SIGNIFICANT, JUST AS WE LOOK BACK ON PRESIDENT EISENHOWER AND HIS VISION FOR THE INTERSTATE SYSTEM IN THE 1950'S.

- SOME MAY ASK THE QUESTION, "WHY DO WE NEED AN NHS WHEN WE HAVE THE INTERSTATE SYSTEM?" PONDER FOR A MOMENT HOW OUR COUNTRY HAS CHANGED IN THE LAST FIFTY YEARS SINCE THE INTERSTATE SYSTEM WAS LAID OUT. DEMOGRAPHIC AND LAND USE CHANGES HAVE LEFT MAJOR CORRIDORS UNSERVED BY AN INTERSTATE-TYPE FACILITY. NEW TRENDS IN PRODUCTION AND DISTRIBUTION TECHNOLOGY HAVE CREATED ENHANCED TRANSPORTATION NEEDS FOR MANY SECTORS OF THE ECONOMY. INTERNATIONAL TRADE CORRIDORS WITH

CANADA AND MEXICO HAVE BEEN CREATED AND WILL BECOME CENTRAL TO AMERICA'S ROLE IN AN OVERALL NORTH AMERICAN TRADE ECONOMY. LIFESTYLES HAVE CHANGED DRAMATICALLY WITH MORE TWO-INCOME FAMILIES, LEISURE TIME AND DISCRETIONARY INCOME. THESE ARE JUST A FEW OF THE REASONS WHY THE INTERSTATE SYSTEM CAN NO LONGER SOLELY MEET THE NATION'S EVER-GROWING TRANSPORTATION NEEDS.

- THE NHS WILL EXTEND THE BENEFITS OF THE INTERSTATE SYSTEM TO AREAS OF THE US NOT CURRENTLY SERVED BY INTERSTATE HIGHWAYS. OVERALL, THE NHS WILL CARRY 42% OF RURAL AND 40% OF ALL URBAN TRAVEL MILES. 95% OF ALL US BUSINESSES AND 90% OF ALL US HOUSEHOLDS WILL BE LOCATED WITHIN FIVE MILES OF AN NHS ROUTE. WHILE THE INTERSTATE SYSTEM SERVES MANY URBAN AREAS WITH POPULATIONS OVER 50,000 AND MOST STATE CAPITALS, THE NHS WILL SERVE THEM ALL. IT IS ESTIMATED THAT THE NHS WILL IMPROVE HIGHWAY ACCESS FOR APPROXIMATELY 72 MILLION AMERICANS.

- THE LINK BETWEEN GOOD TRANSPORTATION SYSTEMS AND A SOUND ECONOMY IS WELL ESTABLISHED. THE ENORMOUS HIGHWAY NEEDS OF OUR NATION ARE WELL ESTABLISHED. THE NEED FOR A HIGHER ORDER HIGHWAY SYSTEM WITH DEDICATED FUNDS HAS NEVER BEEN GREATER.

- DESPITE THESE FACTS, THERE ARE THOSE WHO HAVE MADE IT THEIR CAUSE TO CAST HIGHWAYS AS THE VILLAIN FOR ALL EVILS. WHETHER IT BE AIR POLLUTION, CONGESTION, ECONOMICALLY DEPRESSED INNER CITY AREAS, ENERGY USE OR ENVIRONMENTAL HAVOC OF ALL KINDS-SOME ARE ALWAYS QUICK TO POINT THEIR FINGER AT HIGHWAYS. I WONDER IF THEY'VE EVER STOPPED TO THINK ABOUT THE ENHANCED ECONOMIC GROWTH, MOBILITY, PRODUCTIVITY, EFFICIENCY, SAFETY AND QUALITY OF LIFE THEY ENJOY WHICH DIRECTLY RESULT FROM HIGHWAYS.

- LET US NOT BE DISTRACTED IN OUR MISSION TO MAKE THE NHS A FIRM REALITY FROM THOSE WHO WISH TO TAKE US BACKWARD RATHER THAN FORWARD.

- I LOOK FORWARD TO OUR SERIES OF HEARINGS AND TO MOVING A BILL TO APPROVE THE NHS QUICKLY THROUGH THE HOUSE THIS SPRING.

Mr. RAHALL. Thank you, Mr. Shuster.

To other members of the subcommittee desiring recognition, let the Chair state some ground rules right here at the beginning.

All members desiring to make opening statements; without objection all opening statements will be made a part of the record.

Members will be recognized in the order in which they came into the hearing room, and I ask that you keep your responses short as the Secretary does have to leave by 11:30 this morning and is being very gracious with his time.

So, under these ground rules, I will first recognize the gentleman from Illinois, Mr. Lipinski.

Mr. LIPINSKI. Thank you very much, Mr. Chairman. I'll make it very brief.

It's a pleasure to have the Secretary and Mr. Slater here this morning. I look forward to hearing what they have to say and I certainly look forward to working with them in regard to the National Highway System.

Thank you.

Mr. RAHALL. The gentleman from South Carolina, Mr. Clyburn.

Mr. CLYBURN. Thank you very much, Mr. Chairman.

I am pleased to join with my colleagues in welcoming the Secretary and Mr. Slater here today, and I wish to reiterate as you said in your opening statement, Mr. Chairman, that the development and maintenance of this system is essential to the economic development of our areas. I represent an area, of course, which has over 63,000 of its 70,000 households eligible for earned income tax credit, so I am particularly interested in what this new highway system can in fact mean for my district, and I am pleased to be here as part of this and welcome both of you gentlemen.

Mr. RAHALL. The gentleman from California, Mr. McKeon.

Mr. MCKEON. Thank you, Mr. Chairman.

I appreciate the presence of Secretary Peña and Administrator Slater. I feel like they are constituents.

As many of you know, the recent Northridge earthquake epicenter was in my district. They have been out there so much and have been so effective. When the President visited, he was told it would take about a year to rebuild those highways, and now we're talking about four or five months. I really want to thank you on behalf of our constituents for the efforts that you've put forth there.

Also Chairman Mineta, ranking member Shuster, and Jay Kim, who visited the district to see first hand the damage that was done, we really appreciate your leadership.

I have other projects that will be a part of this ongoing discussion here on the National Highway System, but I will save my remarks on that until later. Thank you very much.

[Mr. McKeon's prepared statement follows:]

PREPARED STATEMENT OF HON. HOWARD "BUCK" MCKEON

Thank you, Mr. Chairman. I appreciate the presence of both Secretary Pēna and Administrator Slater today. As they know, my district included the epicenter of the recent earthquake, and I am pleased that Congress was able to quickly respond to the people who were affected by this violent and tragic disaster.

Mr. Chairman, because many of the highways in my district were designed or completed over 25 years ago, rapidly growing projects remain which need to be addressed. In the aftermath of the earthquake, one project involving State Route 126 in Santa Clarita has been given additional emphasis by the city. Because Route 126

has been identified as a component of the National Highway System, I have submitted a funding request in accordance with the subcommittee's guidelines. I intend to provide additional material for the record as these hearings progress.

Finally, I want to commend the administration for following through on the mandate to implement a National Highway System which reflects the needs of today's traveling public. I am encouraged that the N.H.S. will allow projects to be judged on a level playing field according to merit, and I look forward to participating in this debate and working with members who enact N.H.S. legislation this year.

Thank you.

Mr. RAHALL. The gentlelady from Virginia, Ms. Byrne?

Ms. BYRNE. Mr. Chairman, I have a formal statement I would like put into the record, but I would also like to echo the words of Chairman Mineta about the intermodal nature of what we are trying to do here, and also the experience of Virginia that I would like the Secretary and Mr. Slater to look into with using value engineering to get the biggest bang for our buck on these transportation projects. We have an outstanding record in Virginia in using this design technique, which has saved us millions and millions of dollars. I know the Secretary is committed to getting the best value for the taxpayers' money, so I highly recommend it to you.

Mr. RAHALL. The gentlelady from Washington, Ms. Cantwell?

Ms. CANTWELL. Thank you, Mr. Chairman. I will be brief.

It is a pleasure to have the Secretary and Administrator Slater here today. The last time I saw Administrator Slater he was on a Washington State ferry, so I want to say that the Department has been very aggressive in coming out to the regions and seeing different modes of transportation.

I would like to commend the committee for holding these hearings, as I think the National Highway System will be the backbone of what we started with ISTEA. Even though I wasn't a member of the committee at the time, I want to congratulate this subcommittee for its tremendous work.

I would like to raise some questions later with the Secretary about child safety seats and the progress that the Administration has been making in that regard, and I will save most of my comments until that time period.

Thank you, Mr. Chairman.

Mr. RAHALL. The gentleman from California, Mr. Hamburg.

Mr. HAMBURG. Thank you very much, Mr. Chairman. I also welcome the Secretary and the Administrator.

I also support the intermodal nature of our efforts. I have a harbor that needs development by both rail and road and additional port facilities in the northern part of my district, and I have applied under NHS for consideration of that project.

I also want to mention that I'm sort of an "infrastructure freak;" that's why I wanted to be on this committee. There have been some disappointments in this Administration so far in terms of the commitment to developing infrastructure and the deferred maintenance problems we have on our infrastructure, including our roads and our National Highway System, and I just look forward to joining with you in efforts to put the need for dealing with these deferred maintenance problems on the top of the national agenda.

Thank you.

Mr. RAHALL. The gentleman from New Hampshire, Mr. Swett.

Mr. SWETT. Thank you very much, Mr. Chairman.

I, too, want to associate myself with many of the complimentary remarks that have been made so far. I also want to commend the full committee chairman, Mr. Mineta, and the ranking member, Mr. Shuster, for the work that they did in bringing this ISTEA legislation forward in the 102nd Congress.

ISTEA has brought many new talents and skills into play in looking at transportation requirements: architects, planners and social designers all have a role to play. I think these are the talents that have helped bring a much more holistic approach to transportation.

I have followed your career, Mr. Secretary, and I have appreciated the vision and understanding that you have for the intermodal nature and the social nature of transportation. I respect the work that you have done and which you continue to do. I look forward to working with you.

Very quickly, I would like to reiterate what my colleague from Virginia, Ms. Byrne, said when she talked about the need for value engineering. We also must look at life cycle costing and take a more cost-effective approach to evaluating the construction projects that are undertaken in this country. This will not only improve our transportation systems, but also benefit taxpayers as well. I know you understand that. As an architect, I look forward to working with you in making this the very best intermodal transportation system in the world.

Thank you very much, Mr. Chairman.

Mr. RAHALL. The gentleman from Tennessee, Mr. Clement.

Mr. CLEMENT. Thank you, Mr. Chairman.

Secretary Peña and your fine staff, I first want to thank you, being the Congressman from Nashville, Tennessee, for the Nashville–London route. I hope you will join us when we fly on that first flight this year from Nashville to London.

I am also pleased about President Clinton and Secretary Ron Brown making the announcement about a White House Conference on Travel and Tourism. The announcement was made last night at the travel and tourism banquet here. I think the conference is going to be of great benefit to the entire United States. It will help bring about more revenue and bring attention to a lot of communities that have been forgotten about, and put them on the map once again.

Also, Secretary Peña, I want to commend you and your staff at the Department of Transportation for your submission of the National Highway System last December. As you might imagine, I was extremely interested in what we're doing for the entire country, as well as for Tennessee. I have been in contact with the Tennessee Department of Transportation and they are very pleased with your proposal and what you have proposed with NHS for the entire country. It is good to see your fine staff person, Rodney Slater, with you today. I have had the opportunity to get to know him on a personal basis.

Mr. RAHALL. The gentleman from Illinois, Mr. Poshard.

Mr. POSHARD. Thank you, Mr. Chairman.

Mr. Secretary, welcome back to the committee. I appreciate your concern with the issues about the National Highway System, especially in view of the fact that we have passed a budget that has

caps on the discretionary side of the budget. I think the importance of this particular proposal is that we are establishing priorities with respect to the transportation needs of this country. I know that you and Administrator Slater have worked very hard on this. Thank you for being flexible in the ultimate decisions that you made with respect to the road routes that were chosen.

I look forward to listening to your testimony here today and thank you for all your considerations.

Mr. RAHALL. The gentleman from Georgia, Mr. Collins.

Mr. COLLINS. Thank you, Mr. Chairman.

Mr. RAHALL. The gentleman from California, Mr. Kim.

Mr. KIM. No statement, Mr. Chairman.

Mr. RAHALL. The gentleman from Wisconsin, Mr. Barca.

Mr. BARCA. Thank you, Mr. Chairman. I will have a longer statement for the record.

I just also want to welcome you. I am very excited to hear about your testimony on the National Highway System for all the reasons that have been given.

In the State of Wisconsin we have always placed a priority on infrastructure and transportation needs. I know there is a lot of enthusiasm in my home State for what you are attempting to do, so thank you very much for being here and I look forward to your testimony.

[Mr. Barca's prepared statement follows:]

OPENING STATEMENT OF REP. PETER BARCA

SUBCOMMITTEE ON SURFACE TRANSPORTATION

Hearing on National Highway System

February 24, 1994

Mr. Rahall and Mr. Mineta, I wanted to thank you as chairs of the subcommittee and full committee for conducting these important hearings.

I join my colleagues in welcoming you, Secretary Pena, and officials from the Transportation Department. I wanted to commend you and the Department for the very thorough job you have done in developing the National Highway System.

I am very enthusiastic about the introduction of the National Highway System and look forward to working with my colleagues to make the NHS a reality. The NHS is important for the mobility of America, the safety of our citizens, and for the commercial and economic development of our nation.

For Wisconsin, the NHS addresses many of our priorities for transportation needs and infrastructure development.

I have reviewed the NHS mapping for my own district and will work with the Department of Transportation and the committee to address several concerns of local communities, including U.S. Highway 20 in Racine and Highway 165 in Kenosha.

In addition, I hope that we can use this opportunity to address some additional serious transportation concerns such as rededicating fuel taxes to transportation needs, which is where I strongly believe such funds should be used.

In summary, Mr. Chairman, I welcome this effort and look forward to working with you, with Secretary Pena, and with my colleagues in the coming weeks to prepare legislation to make NHS a reality.

Thank you for the time and I look forward to your statement, Secretary Pena.

Mr. RAHALL. Does the gentleman from California, Mr. Filner, have anything?

Mr. FILNER. No, Mr. Chairman.

Mr. RAHALL. Thank you. Before we proceed to hear from Secretary Peña, I will insert into the record at this point the prepared statements received from Representatives Costello, Cramer and Dunn.

[Statements referred to follow:]

JERRY F. COSTELLO
12TH DISTRICT, ILLINOIS

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OPENING STATEMENT OF

CONGRESSMAN JERRY F. COSTELLO (D-IL)

ON THE PROPOSED NATIONAL HIGHWAY SYSTEM

BEFORE THE SURFACE TRANSPORTATION SUBCOMMITTEE

FEBRUARY 24, 1994

MR. CHAIRMAN, I want to thank you for calling this series of hearings to discuss the National Highway System map as proposed by the U.S. Department of Transportation. The many miles of routes slated for inclusion in the NHS will be the major network for transportation across our nation. Such a comprehensive, intermodal system is critical for the growth of our nation, through increased productivity and international competitiveness.

Today, we will begin a long process of examining individual projects, proposed routes and intermodal facilities for the NHS and perhaps policy changes to ISTEA. Over the next several weeks, this Subcommittee will hear testimony from numerous organizations, local officials and Members of Congress about the development of this important legislation. I look forward to hearing their comments and testimony as the NHS legislation begins to take shape.

In addition, I would like to extend a sincere welcome to Secretary of Transportation Pena, your input in this process is greatly appreciated.

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Statement of the Honorable Bud Cramer
before
the Subcommittee on Surface Transportation
on the proposed National Highway System and
ancillary issues relating to highway and transit programs
February 23, 1994

Mr. Chairman, I would like to thank you and Chairman Mineta for moving forward so expeditiously on this pro-economic growth, pro-enhanced global competitiveness, and pro-energy saving and environmentally conscious measure. Even though under the Intermodal Surface Transportation and Efficiency Act (ISTEA) the Congress has until September 30, 1994 to approve the National Highway System (NHS), the House of Representatives has taken on the task of putting American families, American consumers and American businesses first by considering this proposal at the earliest possible time.

I believe the record will show that ISTEA is working. In 1991, we sat through hours of testimony; we heard from all interested persons. This part of the process was very important to the drafting of a comprehensive and long-term bill. For instance, the field hearing that we held in Fort Smith, Arkansas, the home of our good friend John Paul Hammerschmidt, provided many of my constituents - including the Mayor of Huntsville and the Alabama Highway Director the opportunity to discuss items of interest and need that affected not only northern Alabama but also parts of Mississippi, Tennessee and Georgia.

Because of ISTEA, we have been able to fill a gap that has existed for an inordinate amount of time. If you can believe it, until ISTEA northern Alabama did not have an East-West corridor to connect our business, industrial and federal facilities with similar concerns in Memphis, Chattanooga or Atlanta. Now, we are in the process of designating a route to connect these important growth centers. Because of language I included in ISTEA, this route will go through Huntsville, Alabama. Being left off a major transportation corridor, in my opinion, inhibited our ability to compete and contribute. Through ISTEA, we are now in the process of developing an Economic Corridor of Prosperity.

One important and core component of ISTEA is the notion of intermodality. The efficient transportation of people and goods is extremely important to remaining competitive with our international trading partners. To make wise transportation investment choices, it is important to pull together our diverse transportation systems into a seamless intermodal web. I look forward to enhancing and fine-tuning our investment in efficient interaction of different modes of transportation.

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Mr. Chairman, I look forward to today's hearing. I think it speaks to the importance of the matter before when on the first day of hearings both the Secretary of Transportation and the Federal Highway Administration Administrator are both testifying. I will continue to work with you so that we may report this proposal out of Committee, pass it on the House floor and put into to place a comprehensive transportation system that is prepared to deal with our needs as we move into the 21st Century.

HONORABLE JENNIFER DUNN

SUBCOMMITTEE ON SURFACE TRANSPORTATION
FEBRUARY 24, 1994

Thank you, Mr. Chairman.

As my colleagues have so noted, today, with this hearing on the National Highway System, we do take the next step toward meeting the nation's transportation and economic goals for the next century. Having studied the proposal and all of the subsequent data, two things stand out to me: first, this 160,000 mile system will carry 40% of the nation's highway traffic and 75% of trucking commerce...and secondly, and I believe that Secretary Pena noted this when introducing NHS, a 1% improvement in the transportation efficiency will result in a $100 Billion saving over the course of a decade. Thus, what we literally have is the opportunity to implement a highway system that could undergird productivity gains and, in general, the American economy for decades to come.

Mr. Chairman, highway safety is one of my prime concerns with regard to the implementation of NHS. On too many of our nation's roadway's, families and friends travel long distances over roads dangerously clogged. For instance, in my district, Highway 18 has unfortunately earned the sobriquet of "Death Alley". Thus, I was extremely pleased to see that Secretary Pena included Highway 18 in his proposal for the National Highway System.

An efficient transportation system is particularly important to Washington State. Many of our industries, including Boeing, use "just in time" production techniques, where manufacturers reduce costs by minimizing inventories through the use of smaller, more frequent deliveries. "Just in time" manufacturing cannot co-exist with endless lines of traffic and congestion. Similarly, without an efficient and seamless transportation system, the nation's ports -- such as Seattle and Tacoma -- see profits dwindle and eventually disappear.

I believe that the efforts of the Public Works Committee will go far toward putting America on strong economic footing for the 21st Century. And, I appreciate the efforts of the Chairman and Ranking Member to expeditiously hold hearings on the proposed NHS. The only note of skepticism that I have concerns the intentions of the other body. Hopefully, quick action by the House Public Works and Transportation Committee might spur our colleagues in the Senate to act this year. Also, I urge Secretary Pena and Mr. Slater to use their considerable influence to prod the Senators to act. With prompt action, within months we could begin a process that will smooth the flow of goods and commerce as we transform older, clogged, unsafe lanes into modern safe and efficient roadways.

Thank you.

Mr. RAHALL. Mr. Secretary, Mr. Administrator, again we welcome you to the subcommittee. I want to join, of course, in the words of our full committee chairman in praising you for your quick and effective response to the disaster in California, as well as the oil spill disaster that occurred on the island of Puerto Rico. I have heard from friends of your immediate and personal response the same day they occurred I think this shows that you are truly on top of the job in responding wherever the needs occur. We appreciate that strong leadership very much.

Now we will recognize you to proceed in any manner you desire.

TESTIMONY OF HON. FEDERICO PEÑA, SECRETARY, DEPARTMENT OF TRANSPORTATION; ACCOMPANIED BY HON. RODNEY E. SLATER, ADMINISTRATOR, FEDERAL HIGHWAY ADMINISTRATION

Secretary PEÑA. Thank you very much, Mr. Chairman and members of the subcommittee.

Chairman Mineta, let me first say that it's a pleasure to be here this morning with you. Administrator Slater and I have been looking forward to this day for some time and we appreciate the commendations that you have given us for submitting the National Highway System to you ahead of schedule.

Some of you may recall that when I testified a little over a year ago in my confirmation hearing, I said that one of our priorities would be to try to deliver reports and take actions on a timely basis. So I would like to publicly thank Administrator Slater and his outstanding staff in the Federal Highway Administration and other members of the Department of Transportation. As you may suspect, Mr. Chairman and members, this effort started about two years ago or so, and many people have been involved in it. We will pass on to them your commendations. We very much appreciate that.

I would like to do two things this morning in my presentation. First I would like to provide a brief introduction to the National Highway System, and then secondly, talk a little bit about the vision that we have for our country. With your permission I will ask Mr. Slater to provide us with a more graphic presentation of the National Highway System, using the Geographic Information System. We are pleased that Chairman Mineta is excited about this new technology. We in the Department have elevated the importance of using new technology in the Department and in the area of transportation, and in particular, sharing that technology with communities around the country which may not have access to this technology. We think that's one very beneficial role that we can play in helping communities throughout the country to take advantage of the finest technology that we have in our country.

We used the GIS in December when we first unveiled the proposed National Highway System at Union Station and we were very pleased, Mr. Chairman, that you were able to join us at that time. For the benefit of the Members who were not able to make that presentation, we have brought it again today. We have a fairly extraordinary presentation here, in the committee room.

I would like to say a word about this technology. The GIS is a computer system that integrates data and then produces a visual

image—in this case, a visual demonstration of the National Highway System. This technology will be a significant tool for future transportation planning. One of my goals as Secretary is to enhance our transportation system through the use of these kinds of new technologies.

Let me parenthetically say that yesterday, in the announcement of the new round of technology reinvestment projects at the Department of Defense, a very large proportion of those dual-use technology investments went to transportation-related dual-use technologies. One of the reasons that we became members of ARPA was to find a way to direct some of these new investment opportunities in the dual-use area because we thought that the area of transportation provided us with the greatest opportunities. I am happy to say that as of today, if you look at all the grants provided by ARPA, 40 percent of them have gone to companies that are directly involved in transportation-related technologies. So we are very excited about elevating the importance of transportation technology in the dual-use area.

Application of this new technology is vital to our economic future and to our international competitiveness. The GIS is a good example of this and I believe it will be a powerful tool in coming years as we begin to plug more data into the system on traffic flows and interconnections between transportation modes.

Let me now address the National Highway System, and let me put this in context.

I see our National Transportation System in the broad context of the health of our Nation. We have been a Nation in motion. Americans have moved farther, gone faster, and made more progress in our short history than any other country on earth. Together, the transportation industry represents 17 percent—or about $1 trillion—of our gross domestic product. The capital stock of our transportation infrastructure is valued at $1.4 trillion. As we approach the next century, our transportation system remains critical to the well-being of this Nation.

The National Highway System is a critical part of this national system. It reflects a new emphasis on prudent investment of public tax dollars to maintain our infrastructure and to focus our commitment to a balanced and flexible intermodal transportation system. That is what Congress envisioned when it enacted the Intermodal Surface Transportation Efficiency Act of 1991, ISTEA. This committee, Mr. Chairman, and also Chairman Mineta, should be very proud of the leadership role that you played in enacting that landmark piece of legislation.

Almost universally—and let me say that we conducted 10 regional hearings last year throughout the country to ask people their thoughts about ISTEA. They indicated in those hearings that they were very pleased with ISTEA, felt that it was a landmark piece of legislation; and more importantly, they saw it as the most important turning point in U.S. surface transportation history since 1956. We in the Administration are committed to implementing ISTEA fully and aggressively, to make the vision of ISTEA a reality. That commitment is demonstrated by the President's budget, which fully funds core Federal-aid highway grant and mass transit formula grant programs at ISTEA levels.

The National Highway System is the cornerstone of our future highway network and of our future National Transportation System. Its purpose is to identify priorities for a high quality interconnected system of principal arterial routes which will serve major population centers, international border crossings, ports, airports, rail terminals, and public transportation facilities. Intermodal transportation facilities are also included, as well as major travel destinations, and strategic national defense sites.

The NHS answers the President's call to rebuild America by providing a transportation network that sustains economic strength, productivity, growth, and competitiveness in a global marketplace. It will carry the bulk of interstate and interregional travel and commerce in the foreseeable future.

With ISTEA, Congress asked us to propose a national highway network in consultation with State and local officials. That consultation was very important. We worked closely with our partners at the State and local levels during the two years since ISTEA was enacted to develop the proposed system. It was a very successful and productive collaboration.

The National Highway System that we recently proposed consists of nearly 159,000 miles of the most important roads in the United States. I will not at this time recite the details of the components of the NHS; Mr. Slater will provide that to you in just a few minutes, but I do want to emphasize that virtually all of the NHS exists today. That was a point made earlier by the Members. Less than 2 percent is actually new mileage, and that 2 percent is already in State and local plans. The non–Interstate segments may gradually be upgraded to the level suited to meet expected traffic and other factors. Some routes may be Interstate-type facilities where they are needed to handle traffic; others may be needing only new pavement, elimination of safety hazards, or perhaps interchanges to replace at-grade intersections—generally within the existing right of way.

To put this proposed 159,000 mile system in perspective, Mr. Chairman, an NHS of this scale would include only 4 percent of the nearly 4 million miles of our public roads. This 4 percent carries over 40 percent of the Nation's highway travel. In fact, this 4 percent carries in excess of 70 percent of our commercial truck traffic.

To ensure the NHS enhances intermodal connectivity, we worked with our State and local partners and with the private sector to identify major intermodal terminals that the NHS will serve, including 104 major ports; 143 major airports; 321 major Amtrak stations; 191 rail and truck terminals; 242 military and defense-related installations, and 319 public transit systems. That, in my opinion, is strategic thinking and investment, and that's what we need if we want to get the most out of our transportation dollars to ensure that our investment provides the most benefit for our entire economy.

The National Highway System will provide what our retail, industrial and other employers need, namely, a predictable, consistent, and reliable delivery system. It will provide low-cost, reliable and flexible transportation to minimize cost, serve plants which are geared to just-in-time delivery, and to make our companies more competitive in the global marketplace. The NHS will help us

confront the problems of traffic congestion by targeting current and projected bottlenecks. Whether you are a shipper who lives by the principle that time is money, or a commuter trying to get to and from work with minimal hassles, congestion is an economic drain in our country today, estimated at $40 billion a year in our major urban areas—and, of course, harmful to air quality.

The NHS will also strengthen our links with Canada and Mexico, especially by providing some the vitally-needed north-south connections. The National Highway System will serve this traffic efficiently by linking with Canadian and Mexican highway systems in a high-performance network spanning most of North America. Trucks already carry about 80 percent of the freight shipments between the United States and Mexico, and about 60 percent of the freight shipments between the United States and Canada. Under NAFTA, as trade barriers and barriers to international trucking operations are removed, traffic on all modes should increase significantly.

Thus the benefits of the NHS are clear, and I urge you to expedite its designation. We have submitted to Congress and this committee a very straightforward and simple bill to designate the system. I look forward to working with the committee as you consider this legislation.

Turning to the future, I would like to now begin the second part of my presentation, on the National Transportation System. The first goal of the Department of Transportation's new strategic plan is to tie America together. Our plan is to develop an effective intermodal transportation system, enhancing all of the different modes of transportation and their links. Last December, when the Department first presented the NHS, I also announced development of a National Transportation System, involving all modes of transportation. The NTS will identify the most significant elements of the Nation's transportation system, including highways, airports, ports, waterways, railroads, intercity bus lines, pipelines, and public transit systems. The National Transportation System is a new way of looking at our Nation's network of transportation systems. For all of us involved in American transportation, the time has come to take the lessons that we have learned in identifying the National Highway System and use the same methodology and techniques we did then and apply them in developing a national transportation needs system.

With the information gained through identifying the National Transportation System, we will finally be able to integrate the demands of our nationally strategic elements of passenger travel and freight movement, and to assess how transportation investment choices affect our environment and our patterns of energy consumption. We're going to be asking State and local governments, metropolitan planning organizations, private industry, and interested groups and individuals to join us in considering the transportation issues that should be addressed in developing a comprehensive National Transportation System. Over the coming months the Department of Transportation will be conducting extensive public outreach on the NTS, and of course, we look forward to working with the Congress and members of this committee in an effort to

shape a truly coordinated and interconnected transportation system for the next century.

In conclusion, Mr. Chairman and members of the committee, let me say that I am convinced that if America wants to remain economically strong, if America wants to compete with other countries in a global marketplace, if we want to move goods and people safely and efficiently, if we want our standard of living to continue to grow, and if we want to preserve our national defense readiness, Congress must enact the National Highway System to guide future decisions and to serve as the foundation of any thriving National Transportation System. Congress gave itself a deadline of September 30th, 1995 for approving the NHS. If Congress does not approve the NHS, the Department of Transportation is prohibited from apportioning funds to the States after that date, the last day of fiscal year 1995, for the NHS and Interstate Maintenance Programs.

So we urge the committee to approve the NHS quickly, and we appreciate this very quick and timely hearing for a bill which we hope will not be encumbered by other controversial issues.

I want to thank you very much, Mr. Chairman and members of the committee, for giving me the opportunity to appear before you today. With your permission I would like to ask Administrator Slater, who will use this new technology, to electronically portray the National Highway System for the committee, and after that we would be very happy to answer your questions.

Mr. RAHALL. Thank you very much, Mr. Secretary. We appreciate that presentation.

We will be glad now to recognize the Administrator of Federal Highways, Mr. Rodney Slater. I join you in commending the excellent work that he and his staff have done.

Mr. Slater, you are recognized.

Mr. SLATER. Thank you.

Mr. Chairman, Mr. Petri, members of the subcommittee, Chairman Mineta, Mr. Shuster, ladies and gentlemen, America is yet on the move, as evidenced by what we consider here today. I am pleased to be seated before you, next to an individual who is a doer. I want to thank Secretary Peña, whose comments serve as an introduction to the role of the National Highway System in the broader context of our future National Transportation System.

The National Highway System is going to be the backbone of our National Transportation System in the 21st century. It is going to affect each and every American, directly or indirectly. As has been noted, the proposed National Highway System consists of nearly 159,000 miles of the most important roads in the United States. To put this in perspective and to underscore what Secretary Peña has said, the National Highway System of this scale would include only 4 percent of the 4 million miles of our public roads. Nevertheless, this system will carry over 40 percent of the Nation's highway traffic, 70 percent of the truck freight traffic, and 80 percent of tourist traffic. That is a strategic focus and it will lead to strategic investments. That's what we need if we are to get the most out of our transportation dollars.

Now, let us proceed to the demonstration. I will be using Geographic Information System technology to present the proposed Na-

tional Highway System and to show how it responds to ISTEA's requirements.

The GIS, a computer system that integrates information based on location and provides for interactive graphics, is a breakthrough in data management technology that will play a significant role in future transportation planning. GIS will become an even more powerful tool in coming years as we plug in new data on traffic flows and interconnections between transportation modes.

We will portray the proposed National Highway System today at the national, State, and urbanized area levels. We start with the State lines and show major waterways around the country. Next we add 399 urbanized areas, shown in yellow.

The first component of the proposed National Highway System, shown in blue, is the 45,000-mile Interstate System, which accounts for nearly 30 percent of the proposed system mileage.

The second component, shown in orange, includes 21 high priority corridors identified in ISTEA by Members of Congress. These corridors total 4,500 miles, excluding portions of the corridors that overlap Interstate and STRAHNET routes.

The third component, shown in green, is the non-Interstate portion of the Strategic Highway Corridor Network, STRAHNET, identified by the Department of Defense in cooperation with the Department of Transportation. It totals about 15,700 miles.

Based on the most recent information, including plans for base closures, these corridors and the Interstate System have been identified by the Department of Defense as the most critical highway links in our transportation system. As we found during Desert Storm, highway mobility is essential to our national defense by giving us the ability to move troops and equipment swiftly to ports, to airports, to rail lines, and to other bases, thus enabling us to engage in rapid deployment. The changing nature of warfare makes this system very, very important.

The fourth component, shown in purple, is major Strategic Highway Corridor Network connectors. They consist of 1,900 miles of roads linking major military installations and other defense-related facilities to the STRAHNET corridors.

Collectively, these four components, all specifically required by ISTEA, account for almost 67,500 miles, or roughly 43 percent of the proposed system. The remainder of the proposed system, totalling over 91,000 miles, as shown in red, is made up of other important arterial highways that serve interstate and interregional travel and that provide connections to major ports, airports, public transportation facilities, and other intermodal facilities.

In such a diverse Nation as ours, finding selection criteria that fit all States wasn't easy. For example, the National Highway System, in order to be responsive to our Nation's needs and our States' needs, must meet the needs of both densely populated areas as well as less populated States. Therefore we worked closely with the State transportation departments and with local governments, particularly metropolitan planning organizations. They, after all, know best how their roads function and how their roads fit into their overall transportation plans.

The final features that will be added to our map are the intermodal facilities and military installations that will be served by the

proposed National Highway System. To highlight these facilities we will use subdued lines on the map.

As shown here, the National Highway System will serve major transportation facilities, including, as noted by the Secretary, 104 major ports, as identified by the Maritime Administration; 143 major airports, as identified by the Federal Aviation Administration; 321 major Amtrak stations, and 191 rail-truck terminals, as identified by the Federal Railroad Administration; 242 military and defense-related installations, as identified by the Department of Defense; and 319 public transit systems, as identified by the Federal Transit Administration.

Now let's move to the State level, using Georgia as an example.

We can look at the proposed system in even greater detail. We will start with Georgia's 11 urbanized areas, such as Atlanta, the largest, and the State's capitol; Savannah, on the coast; and Columbus, on the Georgia-Alabama border, all shown here. Using the same color scheme used at the national level, here is the NHS for the State of Georgia: the Interstate System in blue; the Congressional high-priority corridors in orange; Strategic Highway Network Corridors in green; major Strategic Highway Network Corridor connectors in purple; and other principal arterials in red.

Using flashing symbols, we are now able to show how the National Highway System fits into the broader context of Georgia's transportation needs, again, confining ourselves to major transportation facilities, including nine major military installations, two major airports, two major ports, four major highway-rail transfer facilities, and four major Amtrak stations.

There you have the National Highway System for the State of Georgia.

Now let's shift focus again, this time to the urbanized area of Atlanta.

Like millions of others around the world, we probably have all been avidly watching the Olympic Winter Games in Lillehammer, Norway, and recognizing that soon the eyes of the world will be on Atlanta. As the host city for the 1996 Olympic Games, Atlanta will be faced with challenges to its transportation system similar to the ones presented in Lillehammer. Highways, transit facilities, railroads, and airports will all play significant roles in meeting the challenges. The proposed National Highway System is a key element of Atlanta's intermodal transportation system. To illustrate the potential for integrating all of those, here we see the MARTA rapid rail system. Atlanta's principal rail lines are now shown. Flashing in green are the major Olympic venues in Atlanta. Finally, we see the military installations and intermodal terminals that complete the demonstration for the urbanized area of Atlanta.

I hope that this illustration has allowed us to underscore the importance of the National Highway System. It is important in and of itself, but in the words of John Dunn, who noted that "no man is an island, entire of itself, but that every man is a piece of the continent, a part of the main," what we also wish to demonstrate is the enhanced value of the National Highway System because of its relationship with the other modes of transportation, thus underscoring the importance of the vision that the Secretary has shared

with all of you for the ultimate development of the National Transportation System.

Allow me to offer a few details underscoring the importance of this linkage.

To ensure that the National Highway System provides this intermodal connectivity, we worked closely with our State and local partners, with the private sector, and with our colleagues in the Aviation, Transit, Railroad, and Maritime Administrations, as well as with the Department of Defense, in selecting the proposed routes.

Like so much that is important about ISTEA, the National Highway System is and must be a flexible concept. Such flexibility is essential because each State and local government has its own unique transportation goals and pursues different ways of achieving them. The National Highway System empowers these governments and their partners to invest their limited transportation resources to spur economic development and productivity, increase system performance, and further improve our Nation's impressive transportation safety record.

After describing all that the National Highway System is, let me take a moment to say what it is not. The National Highway System will not be another Interstate System. Beyond the Interstate portion, the National Highway System is mostly two-lane roads today, and will likely remain that way in most instances. In fact, virtually all of the National Highway System is existing mileage. Less than 2 percent is new mileage, and this 2 percent is already in State plans.

Let me close by referring to what many of you have referred to in your comments today, focusing on some of the natural disasters that we have had to deal with over the last few months.

You will recall that in his State of the Union Address the President said, "When the earth shook and fires raged in California, when I saw the Mississippi deluge the farmlands of the midwest in a 500-year flood, when the century's bitterest cold swept from North Dakota to Newport News, it seemed as though the world itself was coming apart at the seams, but the American people just came together. They rose to the occasion, neighbor helping neighbor, strangers risking life and limb to save total strangers, showing the better angels of our nature. Let us not reserve the better angels of our nature only for natural disasters." As we come to deal with the National Highway System, a system that allows us to pursue happiness, we are guided by the better angels of our nature.

The fact that nearly all of the National Highway System is comprised of roads already constructed makes it easy for us to take for granted the transportation system that we now have, believing that the roads and bridges that we have long relied on will always be available. Last year's flooding in the midwest and January's earthquake in Los Angeles, in crippling the surface transportation system in those areas, served as sharp reminders that the national importance of our infrastructure system cannot be taken for granted. They demonstrated how critical our transportation network is—not only to the economy in terms of moving goods, but to our daily lives as well. This transportation network also takes us to school

and work and church and recreation areas. Again, it helps us to pursue happiness.

In the midwest, over 2,200 miles of roads, including approximately 350 miles of the proposed National Highway System routes, were under water at the height of the floods. This photograph of flooded roadways is representative of the flood's effect throughout the midwest. Almost 300 bridges were closed because of flooding on approach roadways. On this map, showing the confluence of the Mississippi and the Missouri Rivers at St. Louis, the circles mark major bridge closings. Once the floodwaters began to recede, we went to work immediately to help restore essential highway routes. At one time the only highways open to traffic across the Mississippi River between St. Louis and Illinois were the Interstate highways, as shown in blue. These roads not only served local needs, but were vital to the east-west movement of people and goods from coast to coast. The routes now included in the proposed National Highway System also served those who ordinarily relied on railroads and barges to transport their goods, but who were able quickly to turn to the highway system when those other modes were slowed or stopped by the floods.

The California earthquake, although obviously having its greatest impact on the Los Angeles metropolitan area, again underscores the importance of the National Highway System to the Nation as a whole. As you can see by the circles on this map, four major freeways suffered severe damage. Fortunately, none of the structures that were completely seismically retrofitted failed as a result of the quake. But because of the leadership of the Secretary, who was the first Federal Government official on the ground, we were able to move expeditiously to begin the process of rebuilding this network of roads, which are important not only to the Los Angeles metropolitan area, but to the Nation as a whole.

The Interstate highways, shown in blue, connect California with the entire Nation and make it possible for us throughout the country to enjoy goods that are produced in this State. In fact, nearly every NHS route in the Los Angeles metropolitan area played an important role in keeping the city moving after the quake, whether serving as alternate or detour routes along damaged facilities, or linking commuter rail routes, mass transit facilities, ports, and airports.

Thus the earthquake did much more than damage the freeways in the Los Angeles metropolitan area. It threatened critical routes that connect several different transportation roads to each other and, similarly, unite California with the rest of the Nation.

You might ask why, in closing, I would focus on natural disasters which have impacted the National Highway System severely. In spite of the damage to selected elements, for the most part the system held firm and responded to the challenges of Mother Nature. But we must continue to invest in infrastructure if we are to respond to the challenges of the future.

Yes, America is on the move, and it is good that we have a Secretary who is about the business of making dreams reality and willing to work with the Congress about the business of doing the same.

We are pleased to be here today to discuss with you this very important undertaking. Thank you.

Mr. RAHALL. Thank you very much, Mr. Slater, for a very good presentation. [Applause.]

I am going to confine my questions to one quick question for the Secretary, knowing his time constraints, and then withhold my other questions for Mr. Slater at a later point this morning.

Mr. Secretary, as has been pointed out, the National Highway System benefits all modes of transportation, including rail, air, and waterborne facilities through intermodal connectors. In addition, as you have so very well presented, we are talking about a visionary development of a National Transportation System policy for the future of how we move goods and people about in this country.

With all this in mind, my question is this. Has the Department given any thought to the establishment of a unified transportation trust fund? I say that because, as you know, highway users who pay into the Highway Trust Fund, which finances the NHS apportionment, are in effect cross-subsidizing other modes of transportation that benefit from the NHS connector routes. This situation could really intensify with the development of a National Transportation System.

Again, I'm just asking if there has been any preliminary thought given to the establishment of a unified transportation trust fund.

Secretary PEÑA. Mr. Chairman, that's a very thoughtful question. Let me say that for some time now there have been a number of people who have posed that question and have asked us to begin to look at it.

The reason that I think the year-long effort that we will start very shortly, where we will reach out to people throughout the country to talk about this concept of a National Transportation System is helpful, is it will enable us get feedback from people across the country—our users, States, local governments, and others—about that question and others. The issue has been raised a number of times. While we have considered it here and there in the Department, we don't have a sense of whether it is a viable idea. We think we must begin to talk about a National Transportation System and encourage localities and States to think more globally and comprehensively about investments in their transportation modes, as opposed to some of the conduct that local elected officials have engaged in in the past, which is primarily to focus on situations where sometimes funds are available for a particular mode rather than asking the question, "What is the most appropriate way to get from point A to point B?"

Hopefully by having this discussion of a transportation system and getting people to think more comprehensively about how we make strategic investments, we can think differently about how we make those investments in the future.

So to answer your question, I am sure that issue will be brought up in the sessions and hearings and outreach work that we conduct throughout the country, but the Department today does not have a position on that particular issue.

Mr. RAHALL. Would you agree, though, that the cross-subsidization issue will be raised more intensely in the future? That is, that

those who pay into the Highway Trust Fund are fearing that those funds will be used for other modes of transportation?

Secretary PEÑA. Absolutely, Mr. Chairman. It is a very difficult and sensitive issue, and that is why we probably don't have a position on it today. But we think it's helpful to get people's thoughts about it and to have a discussion about it. I am sure it has been raised in the past and I would not be surprised as we go throughout the country and talk to people about the broader concept of the NTS if it raised again. But we have to proceed very cautiously. There has been a lot of work already done in establishing the system we have today. We have to proceed meticulously—obviously, working very closely with you and other Members—as we have that discussion in the next year or so.

Mr. RAHALL. Thank you, Mr. Secretary. I reserve my further questions on the recommended mileage of the NHS for later and will ask them of Mr. Slater.

I recognize the gentleman from Wisconsin, Mr. Petri.

Mr. PETRI. Thank you very much, Mr. Chairman. I would like to submit a number of questions also to save time, but I do have some I will try to ask.

First, the Recreational Trails Program was established in ISTEA but it's had a sad and tortured history. Although authorized at up to $30 million a year, I think the program has only received a total of about $7.5 million. It is not working as intended, with off-highway gas tax revenues being deposited into a separate trust fund and those revenues funding trail projects.

I am going to work to try to fix this program so that it does work as intended. I understand there is interest in the Senate, as well, to get this program going.

Mr. Secretary, could you share with us the commitment of the Department of Transportation to the Trails Program? And can we count on your support as we try to fix this program and make it work in the future?

Secretary PEÑA. Congressman, we obviously would be very pleased to work with you and others and Members of the Senate to discuss some of the apparently structural problems in that portion of the legislation. You may know that in the budget that we have submitted there is not funding in that program for 1995; we understand that was also the result in 1994. But we think it's an important program, and if we can work out some of the problems, we would be very happy to work with you to try to get that job done.

Mr. PETRI. Thank you very much.

Another area of concern to many people is the area of metric conversion. The Federal Highway Administration is currently studying whether to mandate metric conversion of highway signs. The basis for this reportedly is the 1988 Omnibus Trade and Competitiveness Act. Some wonder why changing highway signs to metric would make us more competitive, but in any event, do you believe this conversion is worth the cost in these times of scarce resources? It is estimated to cost something like $15 million in the State of Wisconsin alone. Have you had a chance to look at this program? Is there some way of doing this as signs wear out rather than as and immediate, total conversion program? What is the thinking of the

Department as far as metric conversion of signs is concerned at this point?

Secretary PEÑA. Congressman, we had started down the path of metric conversion some time ago. We are in the process of a rule-making on this question. I am sure we will get much testimony and input from people throughout the country about the issue you have raised, and others. So why don't we proceed along that line, gather more information, obviously work with you to try to determine how best to proceed?

As you know, there has been great interest in trying to harmonize international standards. For a long time our country was—not isolated, but at least in a sense, not consistent with other standards throughout the world. I think that's why it was encouraged that the Department move forward on the metric conversion effort. But we will get public input, and I'm sure that question will be raised by a number of States and localities, and we will take it very seriously.

Mr. PETRI. Thank you very much, Mr. Secretary.

Mr. Chairman, I do have a number of other questions, but I think in the interest of time I will defer and submit them for the record.

[The questions of Mr. Petri and Mr. Clement and the answers of the Secretary follow:]

Congressman Petri

Motorcycle Helmets

QUESTION: Section 153 establishes a penalty whereby a certain percentage of a State's highway funds are shifted to safety programs if that State did not have a mandatory universal motorcycle helmet law in place by September 30, 1993. I know in Wisconsin, this is an extremely emotional issue which generates strong feelings and, with or without this penalty, Wisconsin is not going to pass a mandatory helmet law.

How many states are now out of compliance and will be penalized? How many states have passed a helmet law since this provision was enacted in ISTEA and do you think that this section has been effective in meeting its goal of forcing states to enact motorcycle helmet laws?

In the technical corrections bill the House passed last year, we included a provision that would extend the deadline for states to pass helmet or seat belt laws to the end of September, 1994--since there is a year gap between the deadline and when the penalty takes effect in fiscal year 1995. Do you believe you can administratively extend this deadline so that if a state passes a law this year, it would not be penalized in fiscal year 1995?

ANSWER: Twenty-eight States did not comply with Section 153's October 1, 1993 deadline for having in effect both a motorcycle helmet law applicable to all riders and a safety belt use law applicable to front-seat occupants in passenger vehicles.

Since ISTEA's enactment on December 18, 1991, 19 States have introduced universal motorcycle helmet legislation. Only Maryland, however, has passed such legislation after ISTEA's enactment and put it into effect. California passed universal motorcycle helmet legislation prior to ISTEA, but its law became effective after ISTEA's enactment.

It is too early to say whether Section 153 is an effective incentive program. When noncomplying States have 1.5 percent of certain of their highway funds for fiscal year 1995 transferred to their Section 402 highway safety program or experience a 3-percent transfer of such funds in subsequent fiscal years, they may intensify their efforts to enact helmet use laws. In enacting Section 153, Congress intended to save lives. By enacting helmet use laws, the States will save lives and reduce health care costs for those who survive.

Section 153 does not provide administrative discretion to extend the fiscal year 1994 deadline.

Congressman Petri

Drinking Age

QUESTION: Mr. Secretary, a bill has been introduced and is moving in the Wisconsin State Legislature that would reduce the drinking age for on-premise drinking in Wisconsin from age 21 to age 19. It is limited to on-premise drinking so that a 19-year-old couldn't go into a liquor store and buy alcohol for some 16-year-olds. Because the state would lose 10% of its federal highway funds, a provision is under discussion which would make the lower age contingent on the state receiving a federal waiver from the minimum drinking age in Title 23.

Proponents of the lower drinking age cite studies which indicate that actual underage drinking in Wisconsin has not decreased since the drinking age was increased in 1986, but in essence has forced it underground and large, uncontrolled parties have become quite common. The accident rate, of course, has gone down but proponents believe this could be attributed to better education programs, heightened awareness and more responsible drinking and driving, and other factors.

How would the Department respond to a proposal to establish a two-year pilot program where Wisconsin could lower the on-premise drinking age and, at the end of that period, if the Secretary found safety had decreased, the Secretary would have the authority to revoke the waiver?

ANSWER: The Department is unalterably opposed to any effort to reduce the drinking age below age 21. The enactment of age 21 as the national minimum drinking age has helped bring about a large-scale change in the drinking habits of young people in America. It has deterred some from drinking and has imparted a new caution to those who continue to drink.

In our analyses of fatal crashes, we found that the rate of driver involvement in fatal crashes involving under-21 drivers decreased by an average of 12 percent in States where the drinking age was raised. This number represents thousands of young people who would have been killed if the drinking age had stayed below 21. In fact, we estimate that over 13,000 lives have been saved since 1975 due to age-21 laws.

Reducing the drinking age would only lead to increased deaths and injuries for young drivers and their passengers. In the early 1970's, when some States lowered their drinking age, studies showed such a substantial increase in young driver fatal crashes that many of those States immediately returned the drinking age to 21. Better educational programs, while helpful, are not the answer. Studies (NHTSA's and others

reviewed by GAO) clearly link fatal crash reductions to age 21 laws.

Finally, an essential point of the age-21 statute was to achieve a national uniform standard to counter the "blood borders" problem, where youth who could not drink alcoholic beverages legally in one State would drive to another State where they could. Reducing the drinking age in Wisconsin, even on a "pilot" basis, would bring back the "blood borders" problem.

Question by Congressman Petri: Earlier this month, I received a letter from our colleague, Doug Bereuter of Nebraska, expressing concern that a study directed in ISTEA on the effect of climatic conditions on the costs of highway construction and maintenance and whether those costs should be reflected in allocation formulas is not going to be completed by DOT.

Rather, Mr. Secretary, you have informed Congressman Bereuter that data from the Long Term Pavement Performance Program can be utilized for this -- But that study will not be complete until the year 2007. It is obvious that roads in areas of the country like Nebraska or my State of Wisconsin are affected by the constant freezing and thawing that takes place in winter. In fact, last week, Wisconsin DOT issued an advisory for motorists to slow down below 55 miles per hour because the severe cold resulted in rough roads.

Now, is there really no way that the Department, working with the States which have a lot of experience with this, could provide information on this prior to the year 2007? The original deadline in ISTEA was September 30, 1993.

Answer: In looking at the data required to complete the Section 1101-1102 study, it became apparent that the only source of quality data with National standards was the Long Term Pavement Performance Program (LTPP). Pavement performance is a complex relationship between the climate, native soils underlying the pavement, and the local materials used to construct the pavements, as well as traffic-related design considerations. Even in relatively mild climates, such as the Washington D.C. area, severe climate-related pavement distress can occur as we have noted this winter.

While States do have experience with the effect of climatic conditions on the costs of highway construction and maintenance, their data are not standardized, and, therefore, cannot be aggregated nor used to support valid conclusions at the National level. Quality data are required to substantiate any conclusions that might be reached regarding funding apportionments. The LTPP program began in 1987 and will be completed in 2007. At least 10 years of data will be necessary to yield substantive answers regarding interactions of the various factors influencing pavement performance. However, we will keep you informed if earlier results yield significant information.

Congressman Petri

Intercity Bus Terminals on the NHS

Question: Can you tell the Subcommittee when and how intercity bus terminals are going to be added to the NHS?

Answer: Although intercity bus terminals were not illustrated on the proposed map of the National Highway System (NHS) submitted to the Congress in December, 1993, they are considered important terminals for passenger travel. In developing the proposed NHS, we concluded that additional work is required to complete the identification of major intermodal facilities, including intercity bus terminals, and connections. The Federal Highway Administration (FHWA) will be working with State and local governments, the American Association of State Highway and Transportation Officials (AASHTO), the other DOT modal administrations, and the private sector to develop criteria and procedures for completing the intermodal connections in advance of approval of the NHS by Congress.

Question by Congressman Clement: Late last year the Federal Highway Administration's field office in Nashville told the Tennessee Department of Transportation that they were looking into which Federal highway projects which have not started should be rescinded. Apparently the Office of Management and Budget had issued the directive requiring a list of rescinded projects, but then later it was withdrawn. The question I have is should State officials expect this issue to come up again in the near future? (I wonder if the States should begin prioritizing which projects should be rescinded.)

Answer: No, we do not expect to propose rescissions of demonstration projects in the near future. However, the Administration continues to oppose the introduction of demonstration projects, a circumstance that distorts the equity of funding distribution. The Department of Transportation favors apportionment of Federal funds, by formula, to the States on an equitable basis. We believe that State and local officials are in the best position to establish priorities for project development. As envisioned in title 23, United States Code, States should make specific project decisions based on the various categories of Federal-aid funds apportioned to them and the statewide and metropolitan planning processes established by ISTEA.

Question by Congressman Clement: One item I'm interested in is specifically I-840 which would serve as a beltway around Nashville. Part of that route is under construction, another part of that route is being engineered, and about 50 percent of it is just proposed right now. In fact, in the map you show it as a dotted red line. By incorporating a yet-to-be constructed route in the NHS, what does that mean? Can the State of Tennessee, for example, expect additional Federal funds to complete the project? Will it be completed on an accelerated schedule? Please comment.

Answer: Although most of the routes on the proposed NHS are existing routes, about two percent are on new location. Whether the routes are new or existing does not affect the amount of Federal funds a State receives. Routes on the NHS are eligible for improvements with NHS funds apportioned to each State under the Federal-aid highway program. The actual selection of projects for funding and the development of schedules for construction are decisions that are made by the State Departments of Transportation in consultation with local officials.

Mr. RAHALL. Chair Mineta is recognized.

The CHAIR. Thank you very much, Mr. Chairman.

Again, because of the thoroughness of the work that has been done by the Department, it looks like a lot of the questions may be non-NHS-related, and that's one of the things that I would like to ask you about.

In the budget that has been submitted for fiscal year 1995, I think we are all grateful for what you've done in terms of your increased funding for capital funding as far as transit is concerned in the Section 9 formula program. The portion that I'm concerned about is the 25 percent cut in operating assistance. I recognize that balancing of the priorities had to go into this, but it seems to me that this really does cut across a lot of the whole issue of trying to balance. How do we get people moved from, let's say, the single occupant car to transit? How do we make sure that we attain Clean Air Act requirements, etc.? So this becomes a very hard hit on that, not only in urban areas but in rural areas as well.

I'm just wondering if you could share with us some of the Department's thoughts behind those proposed cuts in the operating assistance.

Secretary PEÑA. Certainly, Mr. Chairman. The President is very supportive of the transit investment in America. The 1995 budget we have submitted calls for the highest level of funding in transit in the history of this program. Every transit agency in America, if this budget is approved, will receive far more funding for transit than ever before. No agency in this country will get a reduction in transit funds.

In effect, on average, transit agencies will receive about a 19 percent increase in new transit funds if this budget is approved. Our dilemma in choosing to make that increased investment was to think about how best we could make that investment strategically. It was our judgment that the best strategic investment was to make it on the capital side. Why? We think that a capital investment, particularly one that allows agencies to buy new buses and better equipment, will also affect the operating side of the agency's operations. With new buses, you have lower fuel costs. With new buses, you have reduced maintenance costs. With new buses, we hope, agencies will be able to attract more ridership. With new buses, and also with new equipment, you eliminate some of the other problems that we've seen and the increased costs that are associated with them.

So we think that the increased investment on the capital side, which will provide assistance in complying with the Americans With Disabilities Act and some of the other requirements that the agencies now have to respond to, will help in those areas, but also in a very direct fashion it will reduce the operating pressures and the operating costs of the agencies.

Lastly, as respects smaller, rural communities, our proposal states that for those which have a population of 50,000 or fewer, they actually get increases, and they are exempt from the cuts in the operating program that we are submitting.

You are absolutely correct, however, that a 25 percent reduction in operating assistance will have an impact. We believe that impact will not be as dramatic as we are hearing for the reason that, if

you look at transit operations today, the percent of Federal dollars as a portion of the total operating cost of the typical transit agency today is a relatively small amount. In the larger agencies, for example, our commitment is about 1 or 2 percent of the total transit operating budget for those cities and agencies, so a 25 percent reduction of that very small part of it, we think, can be dealt with by the much more enormous infusion that we're giving that same agency on the capital side.

So that's how we thought through our decision to place the investment on the capital side.

The CHAIR. But it seems to me, if I'm an operator in some local jurisdiction, if I have 67 buses and the service demands are that I've got to go to 82 buses, the fact that I can replace buses that, as you say, may be more fuel efficient, whatever, I can't have any less than one driver on that bus. It seems to me the operating side does go up despite some of the figures that you're quoting even though, as you said, you've increased the Section 9 by 19 percent, I believe you said. You've also cut Section 3 by 15 percent. Again, a capital program.

But it just seems to me that the balance—what we're doing is sort of shifting that whole load to the local operating agency and saying, "Well, you're going to have to raise fares, cut back service." That's the part that becomes troublesome.

Secretary PEÑA. Mr. Chairman, that certainly was not our intent. We believe very strongly that by providing new capital and assistance to the transit agencies, that we were being supportive of their operations.

I absolutely agree that a reduction in operating assistance will have an impact. I guess I would have some question with the thought, because I'm hearing it from some areas, that fares will now have to rise dramatically because of this cut, and I would be happy to talk to agencies about that. There may be other reasons for fare increases going up, but assume, for better or worse, that I am the director of a transit agency. I now know that I will receive almost 20 percent more funds for capital that I don't have today. I now know I have enormous burdens in complying with all sorts of regulations and buying new buses and improving my equipment, etc. I now have that flexibility with this new money.

There is a reduction in operating assistance, but overall I will have a 19 percent increase in new funds from the Federal Government in transit. It seems to me that while it's a 25 percent reduction, and given that it's a very small portion of my total operating funds that come from the Federal Government, I ought to be able to readjust my budget in some way, given enough notice and advance opportunity to make those adjustments, to deal with the reduction in operating assistance.

You're right, some agencies may not have the flexibility to do that quickly enough, but we're hopeful that at least they will take full advantage of the new capital and reduce their operating costs, as I described earlier.

So again, that was our judgment.

The CHAIR. That's fine.

Secretary PEÑA. We will welcome your discussion on that and I am sure there will be a lot of dialogue about it.

The CHAIR. Mr. Secretary, the Committee will also be revisiting Section 153 of ISTEA, which deals with the issue of motorcycle helmet and seatbelt use in the NHS legislation. I was wondering if you could give me the Department's position on Section 153.

Secretary PEÑA. Mr. Chairman, you're asking me all the hard questions this morning. [Laughter.]

Let me deal with the helmet law, if that's the one you're referring to.

Mr. Chairman, we have strong feelings about the helmet legislation. We believe that it's good legislation. We are very troubled by the disproportionate number of deaths that result from people who ride motorcycles without their helmets. There are disproportionately larger numbers of deaths among these drivers when compared to the number of people who ride motorcycles. As an individual who was once mayor of a city that had a public hospital, we had a number of individuals who would come to our public hospital who were injured in motorcycle accidents who were not wearing their helmets, and all of us had to pay for those costs in one way or another. There are very significant health care costs that are involved here.

So we think that in our effort to reduce deaths on our highways and roadways and reduce injuries, the requirement that people wear helmets is a good one. I've seen too many tragic situations where people have sustained very, very serious injuries where they were not wearing their helmets, which I think could have been avoided.

The facts are very clear here. I don't think there's any dispute about the data, about the reduction in deaths and injuries from wearing helmets. We very much understand the issue of individual rights; we fought that battle in the Colorado Legislature a few years ago, but I must say that in my position today in looking at the entire transportation system and what we're trying to do to improve safety and reduce costs to the American public, that the legislation is good.

The CHAIR. So I assume, then, that you would stay with Section 153 as it was in ISTEA and not have any changes to it?

Secretary PEÑA. That's correct, Mr. Chairman.

The CHAIR. Thank you very much.

Mr. RAHALL. Mr. Shuster.

Mr. SHUSTER. Thank you very much, Mr. Chairman.

I want to be sure I understood your testimony, Mr. Secretary, on transit. In my district I have some of the smaller transit authorities that have expressed their concern to me about the reduction in operating subsidies.

If I understood you correctly, you said that the net effect of the increase in capital and the reduction in operating subsidies would be that every transit authority in America will end up getting more money, net bottom line?

Secretary PEÑA. That's correct.

Mr. SHUSTER. Okay, fine. Thank you very much.

Secretary PEÑA. On average, it's about 19 percent if you average all the agencies in the country.

Mr. SHUSTER. Thank you.

One other point, Mr. Secretary. I would simply point out that we've had not one but two historic firsts here today. The first one I already referred to, about something being submitted to the Congress ahead of schedule by the Executive Branch. The second historic first was when, at the conclusion of your testimony, you received applause from this committee. I don't think that's ever happened before, either. So it is thrilling to have you here. Thank you.

Mr. RAHALL. The Chair would like to add that we're going to have a third historic first, Mr. Shuster, when Congress does something ahead of schedule, and approves the NHS. [Laughter.]

The gentleman from South Carolina, Mr. Clyburn.

Mr. CLYBURN. No questions, Mr. Chairman.

Mr. RAHALL. The gentleman from California, Mr. McKeon.

Mr. MCKEON. Thank you, Mr. Chairman.

Secretary Peña, in your testimony you state that America must approve the NHS to remain economically strong. I agree wholeheartedly with that. Can you outline the ways in which the NHS is critical to the movement of goods, services and people in our future economic growth?

Secretary PEÑA. Congressman, generally speaking—and we've touched on this a little bit in our opening comments— we believe that the Interstate System was built at a time when many of our intermodal facilities did not exist. If we are to be competitive globally, we must have a highway system that facilitates the movement of goods and people in response to current day changes. For example, the fact that industry today relies so heavily on the just-in-time inventory system; when Administrator Slater was showing you the disruption of the Mississippi River, we saw first-hand the disruption to Detroit in trying to ship its products because it was so reliant on the just-in-time inventory system as a result of that flooding.

So from that perspective alone, to accommodate and encourage this new change in corporate America, the NHS is absolutely critical to encouraging those companies to be more financially thoughtful in their operations.

Second, there is great change. ASA result of, the North American Free Trade Agreement. We now have to deal in a very strategic way with hemispheric movement of goods and people. The NHS is critical because it now connects to a number of border crossings and a number of ports, both in the northern part of our country and obviously in the southern part of our country. From that perspective I think it is strategic in ensuring reap we take the full benefits that are available through the North American Free Trade Agreement.

I just came back from a three-day trip in south Texas. I was in Laredo and Brownsville and saw the trucks which are jammed at those border crossings, which are highly reliant on the system working efficiently. So from that perspective, I think it's very important.

Third, references were made in some of the opening comments about the effect on travelers and on tourism. The proposed NHS, because it links airports and seaports and transit agencies and Amtrak stations and other forms of transportation, will facilitate the movement of people in our daily lives, reduce congestion and

delays, and provide a scenic and comfortable and efficient route for tourists in our country.

So for all those reasons and others, we think the NHS is critical to our economy, critical to our future, and absolutely essential to ensure that our economy and our country continue to remain globally competitive.

Mr. MCKEON. It was also brought home to us by the quake, with the 5 and 14 freeways and those focal points being closed down. I've seen several articles showing the economic damage to the State, so I appreciate this. I think that this will be very helpful and I thank you for your comments.

Mr. RAHALL. The gentlelady from Washington, Ms. Cantwell.

Ms. CANTWELL. Thank you, Mr. Chairman.

As I mentioned, Mr. Secretary, I wanted to bring up the issue of child safety seats, something that I'm very concerned about, and I'm sure you are as well. I appreciate your comments that you made last week about airbags and child safety seats.

I also want to acknowledge that I know that the implementation of this March 1993 regulation on having registration forms that individuals would send back in for child safety seats was an important first step in trying to notify the public on recalls of child safety seats.

But I'm concerned about what we do when we're talking about products that were sold before this March, 1993 date. What I was curious about—if you're not prepared to answer today, perhaps you may want to get a response in writing to us—is, what is the Department's strategy in notifying those pre–March safety seat owners of the recall process?

My second question is, in reviewing this issue, because I have constituents who are concerned about it, it came to my attention that this Standard 213, which basically was implemented in 1981, setting the standard for child safety seats, hasn't been updated since then. Is the Department conducting a review of this standard? Or what would be a schedule for reviewing a standard on child safety seats that, as I said, was last implemented or looked at in 1981?

Secretary PEÑA. Congresswoman, two points. One, the rule that went into effect last week does now require manufacturers of those car seats to have a label of warning saying to people not to put the car seat in the passenger front seat if there is an airbag at that seat. It specifically says that in the case of a rear-facing child seat.

As the parent of two small daughters, one who is two years old and one who will very soon be four, we don't put our kids in the front seat at all. We put them in the back seat, whether they're rear-facing or not.

So we will continue, second to educate parents throughout the country about this issue, and to provide information through the hotline that we have. We work with a number of advocacy groups throughout the country to get information to them. They all have outreach efforts and newsletters, etc., and hopefully we can get more information out for car seats that are pre–1993.

Third, as respects the second part of your question, we are constantly reviewing our requirements on car seats. We will continue to do that. Let me get you a specific schedule. You've asked for

some detail on what our program is. Let me get back to NHTSA and get back to you on providing that schedule to you so that you can have a sense of what our full agenda is in that area.

Ms. CANTWELL. I would appreciate that, Mr. Chairman and Mr. Secretary. Perhaps I could submit some other questions to you for response. That would be appreciated.

[The questions and the answers thereto follow:]

February 24, 1994 Hearing
House Subcommittee on Surface Transportation
The National Highway System and Ancillary Issues Relating to Highway and Transit Programs

QUESTION: What is the schedule for reviewing the standard on child safety seats?

ANSWER: The current Federal Motor Vehicle Safety Standard No. 213, Child Restraint Systems, was issued in December 1979, with an effective date of January 1, 1981. On July 17, 1991, the National Highway Traffic Safety Administration (NHTSA) published, in the Federal Register, a notice announcing the publication by NHTSA of a planning document that discussed planned research and possible upgrades to the standard. The planning document identified several issues which affect the performance of child restraint systems. These issues pertain to the adequacy of present test dummies, labeling requirements, test procedures, performance measures and air bag interaction with child restraint systems. The document also discussed potential rulemaking activities pertinent to child passenger safety.

Based on the findings of a research program that addressed the various child safety issues, NHTSA has been performing several rulemaking activities to upgrade the standard. In September 1992, the standard was amended to require manufacturers of child restraints to provide a registration form with the child restraint and to keep owners' names and addresses for a period of at least six years. This should allow more owners to be contacted in case of a child restraint recall or other safety notification. In April 1993, the standard was amended to dynamically test built-in child restraint systems in motor vehicles in addition to passenger cars. On the issue of interaction of air bags and child restraint systems, NHTSA amended the standard, in February 1994, by requiring manufacturers of rear-facing child seats to label the restraints with a warning not to place the seats in vehicle seating positions equipped with air bags.

Currently, NHTSA is performing two major rulemaking activities aiming at upgrading the standard to accommodate new designs in motor vehicles and child restraint systems. The first revision pertains to booster seats. A notice proposing a new test procedure using a lap and shoulder belt vehicle system was published in September 1993. This revision would allow belt-positioning booster seats, which use a lap and shoulder belt vehicle belt system, to be manufactured and marketed. The proposed revision would also limit the use of booster seats to children whose weight is at least 30 pounds. This is an ISTEA-mandated rulemaking activity which is scheduled to be

completed not later than the end of July 1994. NHTSA is expecting to meet this date for publication of a final rule addressing booster seats, which will be effective 30 days after publication of the final rule.

The second major ongoing rulemaking activity pertains to 1) the introduction of additional sizes of child compliance test dummies to the standard and 2) the specification of dummy selection based on the manufacturer's recommended weight and height of child restraint users. On March 16, 1994, NHTSA published a notice, in the Federal Register, proposing the various size dummies and the recommended ranges for weight and height of restraint users. The deadline for receiving comment on this proposal from the public is May 16, 1994. Upon receipt of these comments, NHTSA plans to analyze these comments and publish a final rule on this upgrade of the standard in March 1995. The proposed effective date for this rule is 180 days after the date of its publication.

Ms. CANTWELL. Just to clarify, then, you are saying that you are looking at the issue and trying to approach these pre-March, 1993 purchasers of car seats in some notification process?

Secretary PEÑA. We are going to have to do that. We have done safety defect recalls on some of these seats already in the past, but it makes absolute sense. We're going to have to find a way to communicate to people and to deal with that issue also.

Ms. CANTWELL. Thank you, Mr. Secretary. I look forward to working with you on that issue.

Secretary PEÑA. Thank you.

[Subsequent to the hearings, the following was received:]

Question. In the event of a recall or other safety notification, what is the Department's strategy for notifying owners of child safety seats who purchased them before the implementation of the March 1993 amendment to the standard on child restraint systems, which allows more owners to be contacted by requiring manufacturers to provdie a registration form with the child restraint and to keep owners' names and addresses for a period of at least six years?

Answer. In addition to the standard's current registration requirements for child safety seats manufactured on or after March 9, 1993, NHTSA has asked the child seat manufacturers to voluntarily maintain owner records on child seats manufactured before March 9, 1993. The manufacturers have agreed to maintain and use this information in future recalls. NHTSA is facilitating the colleciton of the names and addresses of the owners of these seats, and will provide this information to the respective manufacturers.

Mr. RAHALL. The gentleman from California, Mr. Hamburg.

Mr. HAMBURG. Thank you, Mr. Chairman.

Mr. Secretary, just a couple of questions. These aren't exactly on NHS, but I just want to get your feeling.

What is your position on the use of gas tax revenues for deficit reduction purposes rather than to go into transportation infrastructure?

Secretary PEÑA. Generally speaking, we believe that the trust funds ought to be used for the purposes for which they were created, and as a matter of general policy that is what we would prefer. So the answer to your question is, we would like to see the gas tax revenue generally used for the purposes for which people think it is being raised.

Mr. HAMBURG. I strongly agree with you, Mr. Secretary. I hope that you will advertise your position broadly.

Second, as we've talked today about the importance of this National Highway System and the transportation infrastructure in terms of our national defense and our movement of goods and services and the development of our economy, we tend to talk in fairly bold and visionary terms. I kind of get caught up in that rhetoric too, but I know that the reality of it is that as a Nation we are investing far less in our infrastructure, including our transportation infrastructure, than those major competitors in the global marketplace of the 21st century that we're always referring to.

I would just like your thoughts on whether this Nation, in your opinion, really is investing adequately in infrastructure, and particularly in transportation infrastructure, to meet the kinds of visionary expectations that we have.

Secretary PEÑA. Congressman, generally speaking, the answer is no. Our estimate is that on a yearly basis, if you look at total needs from the local and State and Federal levels, we probably estimate about $50 billion a year. If you combine——

Mr. HAMBURG. What will be our spending in this next fiscal year?

Secretary PEÑA. Generally, it will be a little under $40 billion. If you combine all investments, State, local and Federal, it's somewhere short of $40 billion. So we are underfunding and underinvesting to the tune of $10 billion.

Let me make one additional comment. I think those of us who understand the importance of this investment—and you, in your question, obviously are elevating this issue where it ought to be, and I believe this falls on my shoulders, too—we have a challenge to educate the American people about how important these investments are. The people of Los Angeles know. The people who live up and down the Mississippi River know. But I must say that as I travel throughout the country I continue to meet people and taxpayers who sometimes take our transportation infrastructure for granted, whether it's an airport that is in a community—for example, the old airport in Denver that generated 21,000 jobs a year; most people were unaware of that.

So we have to educate the American people about not only the economic impact of these investments, but also demonstrate to them that these investments will be made strategically and will be made wisely, and that people's tax dollars will actually deliver the kind of results that they anticipate.

We look forward to the effort that we're launching this year in discussing this National Transportation System, to having that dialogue. I think that will give us an opportunity to talk to the Nation about how we think differently about our transportation infrastructure investment. We welcome and look forward to working with you in getting that dialogue out there and elevating the focus of the American people on this subject.

Mr. HAMBURG. As an individual Member of Congress, when I go back to my district and talk about infrastructure, including transportation infrastructure, it's very easy to make my case. People know it and they see it. They know that economic development is directly proportionate to the health of the physical infrastructure of our cities and our towns and our harbors and our transportation systems.

I just hope that the Clinton Administration, the President and his cabinet, will educate the American people on this. This is the kind of Government spending that, in this Congressman's estimation, we desperately need. I'm not getting into the whole aspect of the connection between infrastructure development and jobs, which I think is a very significant connection. I'm just talking about in terms of the overall health of our society and our ability to compete in the future.

Thank you.

Mr. RAHALL. The gentleman from New Hampshire, Mr. Swett.

Mr. SWETT. No questions, Mr. Chairman

Mr. RAHALL. The gentleman from Georgia, Mr. Collins.

Mr. COLLINS. Thank you, Mr. Chairman.

Mr. Secretary and Mr. Slater, I am very pleased to see that you have Georgia on your mind. [Laughter.]

Secretary PEÑA. Always.

Mr. COLLINS. I do indeed respect that. I also am pleased to see that you are more than willing to work with Members of Congress and those at the State and local levels in the enhancement of our transportation system.

I have stored that in my cold, cold heart, and I look forward to engaging you in further discussion about the Third District of Georgia and its needs, as well as other areas of Georgia and other areas of this country.

Having said that, I will close for now because I know that others have comments and you have a schedule to meet, too. Thanks for being here. I found the report that you presented interesting.

Mr. RAHALL. The gentleman from California, Mr. Kim.

Mr. KIM. Thank you, Mr. Chairman.

I do have two questions for you, Secretary Peña, very simple questions.

The first question is, I'm glad you take the position that you are against using the federal gas tax for uses other than highway improvement.

By the way, do you know that the reconciliation budget that the President signed last August includes a 4.3 cent gas tax increase to fund programs other than highway improvements? Would you be willing to co-sign a bill to repeal this gas tax? [Laughter.]

Secretary PEÑA. Congressman, it's a good thing that I am not a Member of Congress, so I can't co-sign the bill. [Laughter.]

Very seriously, Congressman, as you know, we were very pleased last year when the President made the decision to redirect the 2.5 cents that had been previously diverted out of the Trust Fund back into the Trust Fund. We think that was an indication of our effort to try to restore this concept of trust to the Trust Fund. As you know, the new tax was in addition to that which we had in place already, and we all know the debate that was waged last year in trying to balance the budget and reduce the deficit. So obviously a decision was made that that was an appropriate use of the gas tax, and that's where we came out on that new gas tax increase.

Mr. KIM. I'm not sure I understand. You told me you are against it, but in this particular case it's okay?

Secretary PEÑA. Well, Congressman, generally as a matter of philosophy and principle we would very much prefer to have the gas tax go into the Trust fund, where everyone has believed it should be. We did that in redirecting the old gas tax that had been inappropriately directed. I think that was appropriate, and we supported that and the President supported that.

What we dealt with last year was a new situation. That was a new gas tax increase. In that sense, given all the other challenges that the Nation faced, the decision was made to use it in that fashion. It is done in a limited fashion. We are hopeful that in the future we will continue to have more support for infrastructure, that the gas tax will be available. I hope that's not taken as a statement that somehow we're thinking about that at the moment, but that's the general philosophy, and I think that overall we will continue to support that.

Mr. KIM. I understand some local agencies are diverting airport revenues to fund projects unrelated to airport operations or maintenance, and I understand that this practice is clearly illegal.

My first question is, are you aware of this practice?

My second question is, if you are, what is your policy? Is DOT taking any action against this kind of practice, perhaps cutting funding as is required by Public Law 103–122 section 328? Would you respond to that?

Secretary PEÑA. The policy in the law is very clear, and that is that airports cannot divert revenue off of the airport for non-airport purposes.

Years ago there was a sense, given certain legislative actions, that some airports had been grandfathered in—or grandfathered out, depending on your perspective—on that particular requirement. Nevertheless, our Office of Inspector General has conducted an investigation of airport diversion. The Federal Aviation Administration is now notifying airports where questions have been raised about potentially illegal diversion of airport revenue and asking those airports to make changes.

Let me also be very clear about one point, and that is that there really is a gray area here. There are some circumstances where there is a legitimate question of interpretation about certain expenditures and whether they are in fact illegal. Obviously, we want to work cooperatively with those airports to correct misuses of that revenue, and we will take whatever action is necessary to ensure that the law is followed. So we are starting that process now. It will take us a little time, but I think we will be able to ensure that people are, first of all, reeducated about the importance of this issue, and to be more thoughtful about how those revenues are used; and third, we will monitor these expenditures in the future in a much more careful way than we have in the past.

Mr. KIM. Thank you, Mr. Secretary.

Thank you, Mr. Chairman.

Mr. RAHALL. The gentleman from Wisconsin, Mr. Barca.

Mr. BARCA. Thank you very much, Mr. Secretary and Mr. Administrator. We appreciate your very fine testimony.

I do want to just bring up one point. First of all, I want to echo the comments that Mr. Hamburg made in regard to the relationship between investment and infrastructure and economic development and job creation. I strongly agree with that.

I appreciated today your emphasis on intermodal networks and the emphasis on airport transportation and road development out to the outlying areas, how that is an important ingredient in the NHS which you're developing.

But it is my understanding that there also have been some studies done in your Department in regard to intermodal networks, having transit and rail extensions from airports out to the outlying areas as well. Are there some studies that are currently underway within the Department in that regard?

Secretary PEÑA. Congressman, our Office of Intermodalism is working very hard to ensure that the entire Department is focused on this concept of intermodalism. For better or worse, when that office was created some time ago, it was created as a separate entity, and our concern was that that's where that concept would remain. So we have worked very closely with all of the modal administrators to talk about this notion of intermodalism and make it a

reality throughout DOT. That's what we hope to amplify in our sessions that we have this year on the NTS.

Let me get a list for you of all the different studies that that office is conducting which relate to the subjects you have raised and get those reports to you. They are constantly doing analyses of intermodal facilities. There are a number which have been recommended to us and to the Congress for funding. We think people are being much more thoughtful and more creative in constructing intermodal facilities that are very helpful. We would be happy to provide you that information.

[Information received follows:]

"Since its inception, the Office of Intermodalism has been a strong advocate for intermodal activities, data, and technical assistance projects ongoing within the Department of Transportation. They have consolidated information on these activities into resource documents for use by transportation planners and decisionmakers. By making this information easily accessible and understandable, the Office of Intermodalism has provided a tremendous boost to intermodalism and to its stakeholders, both within the public and private sectors.

As requested, these reference documents are provided for the record and include specific information on intermodal rail and airport access projects, as well as many Departmental initiatives that relate to intermodal terminal activities (see Intermodal Technical Assistance Activities for Transportation Planners, pp. 22, 23, 25 - 27, 32, and 34 ; and Report on Intermodal Activities in the Department of Transportation, pp. 79, 131, 161, 185, 248, and 251.)"

*Documents may be found in subcommittee file.

Mr. BARCA. I appreciate that. What I am specifically looking for is the studies that have been done in focusing on the various airports across the country, and both the highway and rail and transit extensions going out from those airports, out into the outlying areas.

Thank you very much.

Mr. RAHALL. The gentleman from Pennsylvania, Mr. Clinger.

Mr. CLINGER. Thank you very much, Mr. Chairman.

Mr. Secretary, Mr. Slater, I appreciate your testimony this morning and also commend you for, as you indicated, coming in early with the system.

Mr. Slater, you suggested what the National Highway System would not be, which is to say that the red lines on the map are going to continue to be two-lane highways, not being upgraded to four lanes. I think there are some misconceptions out across the country, that any segment of highway that appears on this map is going to be magically upgraded to four-lane, limited access highways.

In lieu of that, can you tell us what it really means to be designated on this system? What will happen to those? What can we look to in general that is going to be the improvement or the upgrading of those highways?

Mr. SLATER. That's a very good point, a good question. What it means is that the individual legs of the system, by their identification as a part of the system, serve to connect the cities through which they run with the Nation as a whole. As was noted early on, the National Highway System represents but 4 percent of all of the roadways in the country, so we are clearly trying to focus here. Even though it represents 4 percent of the roadways in the country, it carries 40 percent of the traffic in the country, over 70 percent of the truck freight traffic, and over 80 percent of the tourism traffic. So again, it serves as a focal point which will direct strategic investments. While some of the roadways will remain two-lane, that's not to say we won't add shoulders where necessary, better lighting where necessary. It doesn't mean that in some instances we will not build additional lanes. It just says that through the planning process that will emanate from the local and State level, decisions will be made about portions of the system as that portion relates to the whole, and also as it relates to the particular needs of the locale where the portion is located.

So it is a guide that will focus us and that will lead us to making strategic investments and decisions.

Mr. CLINGER. But we are looking in general to an upgrading or an improvement of these segments?

Mr. SLATER. Definitely.

Mr. CLINGER. I am thinking very parochially of a piece that is on the system in my district, but which really is unusable as any sort of a major thorofare because it just twists and turns and is in very bad shape, so it really would be sort of pointless to give that the priority as part of the National Highway System because nobody's going to use it.

Mr. SLATER. Well, we're looking at improvements, but we just wish to make the point that when we say "improvements" we aren't talking about building all of the roadways to Interstate standards.

Mr. CLINGER. I understand. Thank you very much.

Mr. RAHALL. The gentleman from California, Mr. Filner.

Mr. FILNER. Thank you, Mr. Chairman.

Welcome, Mr. Secretary and Mr. Administrator. As you know, I represent San Diego and the border between California and Mexico, and I appreciate the personal involvement of both of you in some of the issues that we have been facing.

Mr. Secretary, you mentioned several times the connection between the National Highway System and the anticipated traffic from the passage of NAFTA. I noticed, Mr. Slater—I hope it was just due to time constraints—you took out the references to the border crossings in your spoken testimony, but I hope that doesn't mean we are minimizing its importance. The Secretary mentioned his south Texas experience.

Given the importance in your thinking of the relationship between the highway system and the anticipated increase of traffic from NAFTA, I was a little disappointed when you announced several weeks ago that you were consciously not setting aside a special NAFTA-related transportation fund. I am wondering, given that decision, whether we are going to be able to get the infrastructure that is necessary for the anticipated increase in traffic. You correctly pointed out that 80 percent of Mexican-U.S. trade is transported on trucks, for example. We in San Diego and in Southern California can't handle that traffic right now. It's one of the reasons I had a problem with NAFTA; we just don't have the infrastructure. And given the fact that you didn't set aside any special funding for that, how are we really going to make sure that traffic is taken care of, that the economic growth you anticipate is a benefit and not just a real intrusion on the communities in Southern California or south Texas or wherever that trade is going to cross?

Secretary PEÑA. Congressman, let me respond to that first, and perhaps Administrator Slater may want to amplify on this.

The report that we issued some time ago concluded that if we assumed that those investments which are planned today—and, for example, there are a number of new bridge permits that are in the pipeline, and some have already been approved—and assuming that we could generate more efficiencies at the bridges and at the borders by being able to do a better job with our own agencies who operate at the borders, and also with our counterparts in Canada and Mexico, which we believe will generate more efficiencies, that immediately in the short term we did not think that there was a need for a massive infusion of new capital for infrastructure. However, we also concluded that we know that in the next term, in the next few years, we are going to have to make more investments. We identified a number of significant deteriorations of roadways and highways that connect all parts of different corridors to those bridge crossings which are in trouble today. So number one, what we have tried to do in the 1995 budget is to recommend full funding of the Federal highway portion of ISTEA. That should generate increased funding for every State and if the States so choose, they can divert that revenue to those kinds of needs.

Second, next month here in Washington we are conducting an historic summit where I have invited my counterpart from Mexico, Mr. Gamboa, and my counterpart from Canada, Mr. Young, to

come here and talk with all of us about how we can work together better to improve the coordination at our border crossings. I will not bore you with the examples of miscommunication and misplanning, where we have built a structure and, for example, our Mexican counterparts didn't have the roadway on the other side of the border—clear miscommunication, clear misinvestment of dollars in those crossings. We could do a better job.

Third, in the Government we have convened an interdepartmental task force, which we chair, involving Customs, Justice, Treasury, and others to find ways to coordinate our hours and our services on the U.S. side because we have noticed that in certain of our facilities we don't do a very good job of cooperating among ourselves. For that reason we think that those bridges are not operating as they ought to be.

So by taking those three steps we think we will be able to generate more efficiencies, improve resources to the States to invest in those needs, and if we conclude from all of that that we need to do more, we would obviously revisit the subject of having a separate fund for border infrastructure. But at the moment we are not there yet.

Mr. FILNER. I obviously want to work with you on that. If I heard you correctly, I don't agree with the judgment that there is no massive infusion of infrastructure capital necessary at the border, and I invite you back to San Diego. You've been there. From this perspective, I don't think people understand the impact of NAFTA if it has the success that people envision, and what that's going to mean for the border area.

As I see the politics and the funding restraints that are faced by the Nation, to put any of the roads in the same pot as all others makes it very difficult to plan fully for the burden that is going to be imposed. So obviously I want to work with you and this committee to make sure that those needs are met, but I have doubts about our ability to adequately cover the full impact.

Mr. RAHALL. The Chair recognizes Mr. Petri very quickly before I recognize the final couple of members.

Mr. PETRI. I have to run to participate in the debate on the House floor. It's been a joy working with you. There are a number of us from the Wisconsin delegation—I see a delegate from Representative Obey's office here—we and our Senators are interested in discussing with you, and making you aware the support of our governor's request for a transit substitute project pursuant to ISTEA in Section 1045 and its approval as a transit project. Before you take any action, we'd like a chance to express our concern about that meritorious project with you, if possible.

Mr. RAHALL. The gentlelady from Washington, Ms. Dunn?

Ms. DUNN. Thank you very much, Mr. Chairman.

Welcome, gentlemen. I have enjoyed hearing your presentation this morning. It has clarified some things for me. My questions are two, and I'll be brief.

The first question regards safety when it comes to supplementing the National Highway System. In my district, near Seattle, Washington, we have a great deal of rural area, and Highway 18 has been included in the National Highway System plan. We are very grateful for that. Highway 18 is a very unsafe highway; in fact, it's

called the "highway of death" because over the last dozen years over 70 people have been killed on this highway.

My question, Secretary Peña, is this. Will you expand on the issue of safety with regard to the National Highway System? How can we afford not to build this system?

Secretary PEÑA. Absolutely, safety is a very high priority for the Nation and for our Department. We do know that in addition to human behavior that results in crashes and deaths and accidents, that oftentimes defects and deficiencies in infrastructure are also causing some of the very tragedies that you have talked about in our country. For that reason we have recommended in the 1995 budget the full funding of the Federal highway portion of ISTEA. We hope that by doing that the States will have more flexibility, your State included, to be able to address some of those deficiencies that you have talked about and address the safety issues. That is very important.

It is not only important because of the loss of lives and the injuries and the terrible tragedies and traumas that are inflicted on families, but these days when we talk about health care and how we can reduce the cost of health care, we need to realize that there is also an impact there. So there are many impacts that result from infrastructure that is not maintained, which results in the very serious deaths and injuries that you have described. That is why we support the improvement of those highways and those roads.

Ms. DUNN. Good. Thank you.

My second question, Mr. Secretary, has to do with the consideration of the National Highway System by both bodies of this Congress. I think we are seriously looking at the project now and are very interested in it, but I am hearing that there may be a lag in the other body. I wonder if you could address that. And will you and the President be putting your shoulder to the wheel to get this passed?

Secretary PEÑA. Congresswoman, this is a priority for us. We very much hope that the NHS will be approved this year. We have had some preliminary discussions with your colleagues on the Senate side, and without going into all the detail about those discussions, let me make a general statement about this.

The more simple we can make this legislation, I think the easier it will be for the bill to move through the process quickly, including the Senate. In the closing part of my opening statement I said that to the extent that there are controversial issues that relate to the legislation as it moves through, I think that will only invite more debate and the legislation being slowed down, particularly on the Senate side.

So we very much encourage you to try as best you can to keep it as simple as possible so that we can move it through without much controversy.

I am very concerned about what happens in 1995 if we don't meet that deadline. I alluded to the actions that we're required to take if we don't meet the deadline. I am very much convinced that, given the leadership of the Chairman, by having this hearing today and moving on it very quickly, we will get the job done.

Ms. DUNN. Thank you for your work toward that effort.

Thank you, Mr. Chairman.

Mr. RAHALL. The gentleman from Arkansas, Mr. Hutchinson.

Mr. HUTCHINSON. Thank you, Mr. Chairman.

I know the hour is late, so I will forego my questions. But I must say welcome, Mr. Secretary, and welcome, Mr. Slater. As Mr. Collins said that Georgia is on your mind, I am glad that Mr. Slater is an Arkansas Traveler. We are appreciative of what we see on the map in Arkansas. I want to say, "Come in, Mr. Slater." I think we are very fortunate to have him in this position. I had an opportunity to serve with him for several years in Arkansas as he served on the Arkansas Highway Commission and displayed tremendous leadership and a great capacity to work with folks from a lot of different backgrounds and a lot of different parts of the State.

So it is reassuring to me to know that he is there at your right hand, Mr. Secretary, as the Administrator of the Federal Highway Administration. We appreciate the work that he is doing. I know, as an Arkansan, what a sacrifice he is making to leave Arkansas and serve in Washington.

So thank you, Rodney.

Thank you, Mr. Chairman.

Mr. RAHALL. The gentleman from California, Mr. Tucker.

Mr. TUCKER. Thank you very much, Mr. Chairman.

I, too, want to congratulate you, Mr. Secretary and Mr. Administrator, for the leadership that you have shown. Of course, as you indicated, this subcommittee—indeed, this committee, under the leadership of our Chairman, Mr. Mineta, and certainly Mr. Rahall—have shown the kind of leadership in ISTEA that has poised us in a position where we can now have a deadline and act with some immediacy to get the National Highway System underfoot. I certainly appreciate the prioritization that your Administration is giving this issue.

We from my area in California will continue to work with you. We have already begun to work with you. Certainly in the area that I represent, with the ports of Los Angeles and Long Beach, we are very concerned about this National Highway System including such projects as the Alameda Corridor.

So we will continue to work with you. I am looking forward to additional hearings. I understand we're going to have some very important hearings, even as we come into the month of March. So whatever my office can do, we certainly look forward to doing that.

I appreciate your testimony today, clarifying a lot of issues for people who were unaware or uninformed or ill-informed as to what the National Highway System entails. In Washington, of course, we are always besieged with the attacks of "pork barrel politics." People have a tendency to believe that this is just another, shall we say, pork-related activity in trying to lay more concrete for more perks for more Members, but certainly the emphasis on the interconnectivity for intermodalism is extremely important. Of course, with the passage of NAFTA this is going to be an extremely important project.

So I want to commend you gentlemen and look forward to working with you.

Thank you very much, Mr. Chairman.

Mr. RAHALL. Thank you.

Mr. Secretary, we promised you would be out by noon. It is now 10 seconds until noon. We have abided by that timetable and we want to thank you very much for your time and your patience in being with us as long as you have this morning, and most importantly for your expertise and the leadership that you are bringing to the Department of Transportation. Thank you very much.

Secretary PEÑA. Thank you, Mr. Chairman, and congratulations for an excellent hearing today. And thank you for your quick work on this NHS proposal.

Mr. RAHALL. Thank you.

I understand you will be able to stay with us, Rodney?

Mr. SLATER. Yes, Mr. Chairman

Mr. RAHALL. Okay.

Mr. Slater, we again extend our appreciation for the very effective and colorful presentation you gave us this morning.

Mr. SLATER. Thank you, Mr. Chairman.

Mr. RAHALL. I would like to ask you about the proposed mileage that you have submitted for the National Highway System.

According to the information we have received from you, the States proposed 161,571 NHS miles, and the Department then recommended in their system 158,687 miles.

Mr. SLATER. That's correct.

Mr. RAHALL. So my question in regards to that discrepancy is, what criteria did you use to justify not adopting the 2,884 miles that were proposed by the States but not accepted by your Department and not submitted to the Congress?

Mr. SLATER. We basically looked to the ISTEA legislation to get our guidance as far as the things to be considered in putting together the system. We looked at connectivity. We looked at whether the route could be considered a major route, really being worthy of being part of a system that was going to be just 4 percent of the total 4 million miles that could have possibly been on the system. So we looked at that kind of criteria in making a decision. We worked with the States. I think while it is true that the States came in with more miles, we worked with them; and now, as I understand, there have been very few States to come forth and say that they have concerns that we haven't adequately addressed. In those instances, the exceptions where that is the case, then we will continue to work with the States to try to satisfy their needs.

But we feel as though we've followed the legislation that we considered those things we were instructed to consider, and that we worked very cooperatively with the States and with the metropolitan planning organizations in coming up with the system that we now have.

Mr. RAHALL. Well, I agree. We have not heard much dissatisfaction from the States at all in regard to your recommended mileage. That was going to be a followup question: Have you been getting feedback from the States regarding mileage that they submitted that you did not submit.

Mr. SLATER. Right.

Mr. RAHALL. So that feedback has not been a problem?

Mr. SLATER. No, it hasn't. In one or two instances it was an oversight and we responded by putting the mileage on. In some other instances there have been points of disagreement. But we believe

that because we came together with an understanding to work together, that those issues have been resolved. Again, where they come up in the future, we will address them.

Mr. RAHALL. You say you've been making additions. Will those come to us formally as an adjustment to your proposal?

Mr. SLATER. Yes. We have actually started to communicate that to the staff, and we will communicate it to the Members as well.

Mr. RAHALL. Fine.

The Department's proposed NHS legislation would allow, at the initiative of the States, NHS route additions and deletions, subject to Federal approval, to extend overall system, not to exceed 165,000.

Mr. SLATER. Yes.

Mr. RAHALL. My question is, why was that 165,000-mile figure chosen?

Mr. SLATER. Well, as you recall, with the legislation we could—I think the figure was 155,000 miles, give or take 15 percent, which would clearly take us beyond 165,000 miles.

Mr. RAHALL. It's 178,000 miles.

Mr. SLATER. That's right. Since the recommendations in total came in significantly less than 175,000 miles, we basically looked at a cutoff point of 165,000 because that still gives us some leeway to add mileage, but it also lowers the ceiling, if you will, so that we will not come forth with a system that is too large. But that's how we arrived at the 165,000-mile figure.

Mr. RAHALL. So it still looks responsible, yet you still have wiggle room?

Mr. SLATER. Exactly. And again, throughout this process we are going to engage in discussions with Members of Congress. We will have some issues that will come forth that we'll have to address, but we think they can be addressed within the 165,000-mile ceiling. If not, then we'll have to consider that.

Mr. RAHALL. As a follow-up to that, Congress would play no role in the approval of those additional NHS routes under your proposed legislation. Obviously you don't think there's any need for Congressional approval of these routes. There may be some on this committee who would disagree. I'm wondering if there's a middle approach there, or what your thinking is.

Mr. SLATER. I'm sure there's always a middle ground, a common ground, and I think we should seek to strike that balance.

But our point is not to suggest that Congress should have no role. It's to say that we shouldn't have to have legislation, an act of Congress, to add mileage. I think Congress has given the Department a lot of flexibility to exercise its judgment in working with the States and with the locales, and we just wish to operate within the guidelines of responsibility that you have given us. But we will clearly maintain an open ear to the wishes of the Members of Congress.

Mr. RAHALL. Thank you very much.

I have no further questions. Mr. Filner?

Mr. FILNER. Just briefly, if I can follow up with Mr. Slater on a question I did have earlier on border infrastructure.

You used the figure of 80 percent of Mexican-U.S. trade being on trucks. Something between two-thirds and three-quarters of that

comes through the border crossing at San Diego. There's only one road that connects that crossing to the National Highway System or the Interstate System. That road, under the given funding situation, may not receive any funding.

That's just the specific example I want to raise about how we may not, under the given criteria and the given circumstances, be able to fund the infrastructure that is necessary to handle the NAFTA-related traffic.

Mr. SLATER. Let me just say that I listened with great care as you put your question to the Secretary.

I believe that we're very fortunate to have a Secretary who doesn't have to visit the border to know about it. The Secretary knows about the concerns along the border and has made his case to the President, to the Vice President, about the need to invest more in infrastructure.

I believe that that's why we see, even in an environment where we have a cap on discretionary spending, a Department that will be among the limited number of Departments that will actually receive an increase with the President's 1995 budget proposal. That is not to say that we have all the resources we need.

What we're trying to do is look at our system anew; to try to think strategically, and to demonstrate that we are good stewards with the money we have. That doesn't mean that we will not move forth in the future to make the case for additional resources.

In the short term, it was believed that our strongest case should be made for fully funding ISTEA. When it comes to the core Federal-aid program, we at least have a shot at that with the 1995 budget. A number of those border States will receive significantly more funds. Now, will they be directed to spend those monies on the border? No. They will have the choice to make.

I would hope that they—meaning the leadership of the individual States—will come to recognize that the interests of the border are the interests of the State and that they are the interests of the Nation, especially in the aftermath of this Nation's decision to tear the walls down and to pass NAFTA. We will be out there with you, trying to make that case, and also working with you to make the longer-term case for more resources to go into infrastructure investment.

And by the way, I appreciate your personal involvement in the transportation summit we did have in San Diego on this issue. I appreciate the agency's real involvement in that. Thank you.

Mr. RAHALL. The gentleman from South Carolina, Mr. Clyburn, is recognized.

Mr. CLYBURN. Thank you, Mr. Chairman.

Mr. Administrator, I would like to return to the economic development aspect of the impact that the National Highway System is going to have on our Nation. I would like to ask you about that in terms of your comments today—everything is kind of futuristic, and I understand that, and I am very futuristic, as well. However, it seems to me that in many areas of the country some of the economic impact that can be felt from this—positive economic impact—could in fact be perceived to be remedial, and in fact really be remedial in many instances, if we compare what the current situation is as to what we would look forward to in the future, for in-

stance, in places like South Carolina where we are in fact looking forward to the impact that new tourism would have on the State, and all of that. There are many areas of the State, though, as I said in my opening statement—in my district, more than 90 percent of the people there, the households earn less than $23,000 a year. It means that a lot of remedial attention needs to be given to the area.

I would hope that some of this economic impact will take that into account.

Mr. SLATER. Yes. Congressman, you make an excellent point. Let me say that while I am not from your State, I hail from Arkansas and from a region that is much like the region you described.

When the Interstate was laid out, it basically supported economic activity along the coasts. With the National Highway System and its special emphasis on north-south routes, we are filling in some of those gaps, and we are giving some of those communities that had not been on a major national system the opportunity to attract business and to appeal to businesses that wish to locate anywhere, that will allow them to distribute their goods beyond the borders of the location where they find themselves.

We believe this National Highway System will allow any community in the country to do that, to attract a business that then has the opportunity to deliver its goods beyond the borders of that State, and even beyond the borders of the United States to the four corners of the world.

So we are pushing the NHS for that very purpose, to stimulate economic activity.

Mr. CLYBURN. Along those lines, I don't know how much attention you may be paying to this, but in an area like Charleston, South Carolina, where we are having such tremendous conversion-kind of activity as a result of military base closures—we have five installations that have closed—we do have a port there. We are looking at what this system can do to compliment the activities of that port. I would hope that there would be some attention given to trying to look at what is happening with the various conversion activities. What we do here will compliment that, as well.

Mr. SLATER. We are giving focus to that. One point that we haven't stressed but that deserves to be stressed is the fact that even though the objective was to put together a National Highway System, clearly the considerations taken into account go beyond highways. It deals with the relationship of highways and other modes of transportation, and also how those various forms of transportation modes work together collectively to serve as a foundation for our economy.

Mr. CLYBURN. Very good.

Mr. SLATER. So your point is well taken.

Mr. CLYBURN. Thank you very much.

Thank you, Mr. Chairman.

Mr. RAHALL. Mr. Administrator, thank you very much for your time and patience this morning. We appreciate it. I again commend you for your excellent leadership and your grasp of the issues. We look forward to working very closely with you throughout this process.

Mr. SLATER. Thank you, Mr. Chairman. I look forward to the same.

Mr. RAHALL. Thank you.

The subcommittee stands adjourned until Tuesday morning, March 1st.

[Whereupon, at 12:15 p.m., the subcommittee recessed, to reconvene on Tuesday, March 1, 1994.]

PREPARED STATEMENTS SUBMITTED BY WITNESSES

Statement of Federico Peña
Secretary of Transportation
before the
House Public Works and Transportation Committee
Subcommittee on Surface Transportation
National Highway System Hearing
February 24, 1994

Mr. Chairman, I am pleased to be here today to discuss the National Highway System (NHS), a national highway network that reflects a new emphasis on prudent investment of public tax dollars to maintain our infrastructure and focus our commitment to a flexible, balanced intermodal transportation system that Congress envisioned when it enacted the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA).

I am accompanied by Federal Highway Administrator Rodney Slater, who, along with the Department's other modal administrators, assisted in unveiling the proposed NHS at Union Station on December 9. We were pleased that you, Mr. Chairman, were able to join us at that time. All of the Department of Transportation (DOT) modes have participated extensively in the preparation of the NHS proposal. It truly has been an intermodal effort - and we are all working together at the Department to implement the first federal transportation Act that included the word "intermodal" in its title.

Almost universally, ISTEA has been seen as the most important turning point in U.S. surface transportation history since 1956. I thank this Committee for its leadership and vision in developing this legislation. On the highway side, ISTEA modified the Federal-aid systems approach that has governed the program since the 1920's. The Federal-aid primary, secondary,

and urban systems are no more. ISTEA represents a paradigm shift in transportation planning and programming at all levels of government. So, too, is the shift from the Interstate era to the National Highway System era envisioned in ISTEA.

The NHS is the cornerstone of our future highway network and our future National Transportation System. The purpose of the NHS is to identify priorities for a high quality interconnected system of principal arterial routes which will serve major population centers, international border crossings, ports, airports, rail terminals, public transportation facilities, intermodal transportation facilities and major travel destinations; meet national defense requirements; and serve interstate and interregional travel. This purpose reflects ISTEA's intermodal emphasis--providing links in a seamless intermodal network that will enhance economic growth, international competitiveness, and national security. In that context, the NHS should be a major focus of Federal highway investment for the future.

The NHS answers the President's call to "Rebuild America," by providing a transportation network that supports sustained economic strength, productivity, growth, and competitiveness in the global marketplace. It will carry the bulk of interstate and interregional travel and commerce in the foreseeable future.

Congress asked us to propose a 155,000-mile network consisting primarily of principal arterials, plus or minus 15 percent, in consultation with state and local officials. We had 2 years from the date of ISTEA's enactment to develop the proposal. The NHS that we proposed

on December 9 consists of nearly 159,000 miles of the most important roads in the United States.

To put this in perspective, an NHS of this scale would include only 4 percent of the nearly 4 million miles of our public roads. This 4 percent carries over **40 percent** of the Nation's highway travel. In fact, this 4 percent carries in excess of **70 percent** of our commercial truck traffic.

That's strategic investment. And that's what we need if we want to get the most out of our transportation dollars--and ensure that our investment provides the most benefit for our economy.

Under ISTEA, the NHS consists of five components, which I'll briefly outline for you, and upon completion of my testimony, I would request permission for Mr. Slater to illustrate the five components with our Geographic Information System (GIS). The GIS, a computer system that integrates information based on location and provides for interactive graphics, is a breakthrough in data management technology that will play a significant role in future transportation planning. GIS will become an even more powerful tool in coming years as we plug in new data on traffic flows and interconnections between transportation modes.

Components of the National Highway System

The first of the five NHS components is the 45,000-mile Interstate System. It accounts for nearly 30 percent of the proposed NHS mileage.

The second component includes 21 high-priority corridors identified in ISTEA. These corridors total 4,500 miles, excluding portions of the corridors that overlap Interstate routes and the Strategic Highway Corridor Network (known as STRAHNET).

The third component is the non-Interstate portion of the Strategic Highway Corridor Network, identified by the Department of Defense in close cooperation with the Department of Transportation. It totals about 15,700 miles.

Based on the most recent information, including base closures, these corridors, and the Interstate System, have been identified by the Department of Defense as the most critical defense highway links in our transportation system.

The fourth component is major STRAHNET connectors. They consist of 1,900 miles of roads linking major military installations and other defense-related facilities to the STRAHNET corridors.

Collectively, these four components, all specifically required by ISTEA, account for

67,500 miles or roughly 43 percent of the proposed NHS.

The fifth component and remainder of the proposed NHS (totalling 91,000 miles) was a blank slate when we began. We knew it would be made up of other important arterial highways that serve interstate and interregional travel and that provide connections to major ports, airports, rail terminals, border crossings with Canada and Mexico, public transportation facilities and other intermodal facilities. Working closely with State transportation departments and local governments, and particularly metropolitan planning organizations (MPOs), we accounted for the remainder of the system.

To ensure that the NHS enhances **intermodal connectivity**, we worked with our State and local partners and with the private sector to identify major intermodal terminals the NHS will serve, including:

- o 104 major ports,
- o 143 major airports,
- o 321 major Amtrak stations,
- o 191 rail/truck terminals,
- o 242 military and defense-related installations, and
- o 319 public transit systems.

In fact, virtually all of the NHS exists today. Less than 2 percent is new mileage, and

that's because new mileage is already in State and local plans. The non-Interstate segments may gradually be upgraded to the level suited to meet expected traffic and other factors. Some routes may be Interstate-type facilities where they are needed to handle the traffic. Other routes may need only a new pavement, elimination of safety hazards, or perhaps interchanges to replace some at-grade intersections--generally within the existing right-of-way.

We welcome dialogue with members of this Committee and others in Congress on the specifics of the system. We have consulted widely with all parties in developing the proposed NHS and look forward to continuing discussions as a final system is established.

The Interstate System Compared with the National Highway System

Before going any further, I'd better stress what the National Highway System is NOT. There's a misconception that the NHS is a new name for the Interstate System and we're talking about building a new 155,000-mile Interstate System. We are not proposing to build a new system of highways. We don't have the money, the commitment, or the national consensus to fund such a commitment, even if we thought it was a good idea - which we don't. Beyond the Interstate portion, the National Highway System is mostly two-lane roads today and will likely remain that way.

Now let's turn to the benefits of the NHS:

- o Economic growth,
- o Intermodal connectivity and increased access to trade corridors,
- o System connectivity,
- o Improved commercial vehicle movements and safety,
- o Expanded trade among Canada, Mexico, and the United States,
- o Improved travel and tourism,
- o Safety,
- o Congestion relief,
- o System performance,
- o Environmental improvements, and
- o Focus for research and development activities.

The advantage of the National Highway System concept is that it will encourage State transportation agencies to focus on a limited number of high priority routes for improvement with Federal-aid funds. These improvements will address traffic needs safely and efficiently, generally within existing rights-of-way.

As part of this effort, the States will be able to choose from a whole range of improvements. They will be able to make operational changes, such as having a program to locate and quickly remove stalled vehicles that are impeding smooth traffic flow (called Incident Management). The States can employ currently available technological improvements, including computerized signal systems, changeable message signs, and remote sensing. They'll

also be able to draw on technological advances of the future, such as Intelligent Vehicle Highway Systems (IVHS), that will help keep traffic moving without major roadway expansion. States will have different needs. This is where flexibility comes in.

The National Highway System will also strengthen our links with Canada and Mexico, especially by providing some of the vitally needed north-south connectors. The National Highway System will serve this traffic efficiently by linking with the Canadian and Mexican highway systems in a high-performance network spanning most of North America. Trucks already carry about 80 percent of freight shipments between the United States and Mexico and about 60 percent of freight shipments between the United States and Canada. Under NAFTA, as trade barriers and barriers to international trucking operations are removed, traffic on all modes should increase significantly.

NHS will provide many economic benefits, but let me just outline a few of them:

- The National Highway System will provide what our retail, industrial and other employers need--namely, a predictable, consistent, and reliable delivery system.

- It will provide low-cost, reliable, and flexible transportation to minimize costs, serve plants geared to just-in-time delivery, and make our companies more competitive in the global marketplace.

Another economic benefit of the National Highway System is that it will help us confront the problems of traffic congestion by targeting current and projected bottlenecks. Whether you're a shipper, who lives by the principle that time is money, or a commuter trying to get to and from work with a minimum of hassles, congestion is an economic drain--estimated at about $40 billion a year in our major urban areas.

These benefits are discussed in greater detail in the study we submitted to the Congress last December and in detail in a brochure we have presented to each member.

National Transportation System

On December 9, when we first presented the NHS, I also announced our National Transportation System (NTS) goals - which complement the NHS. At the present time, the Department does not have a detailed understanding of the total transportation system encompassing all modes. Without this we are limited in our ability to evaluate the full scope of transportation needs and alternatives for addressing those needs. The NTS that we are initiating will identify the most significant elements of the Nation's transportation systems--including highways, airports, ports, waterways, railroads, intercity bus lines, pipelines, and local transit systems.

We will finally be able to fully integrate the demands of nationally strategic elements of passenger travel and freight movement and to assess how transportation investment choices

impact the environment and our patterns of energy consumption.

The National Transportation System is a new way of looking at our Nation's network of transportation systems. For all of us involved in American transportation, the time has come to take the lessons we've learned in identifying the National Highway System and apply them to all of our Nation's transportation needs. I look forward to working with this Committee in shaping a truly coordinated, interconnected transportation system for the 21st century.

We are also asking State and local governments, metropolitan planning organizations, private industry, interested groups and individual citizens to join us in considering the transportation issues that should be addressed in developing a comprehensive NTS. Over the coming months, the Department will be conducting extensive public outreach on the NTS. Of course, we look forward to working with the Congress and this Committee on this effort as it proceeds.

To conclude, in ISTEA, Congress gave itself a deadline of September 30, 1995, for approving the NHS that we have proposed. If Congress does not approve the NHS, we are prohibited from apportioning funds to the States after that date--the last day of fiscal year 1995--for the NHS or for Interstate maintenance. We urge the Committee to quickly approve the NHS in a bill which will not be encumbered with other controversial issues.

Some were skeptical of the NHS concept--"we've poured enough concrete," some said.

Many environmental and other groups think the highway era is over and that we should put the money into other modes of transportation, principally rail and transit. I believe that our focus must be on intermodal connectivity, it is not highways versus transit, or rail versus highway, it is the synergy of our entire transportation network working together that will enable us to remain an economic powerhouse. However, I am convinced that if America wants to remain economically strong, if America wants to compete with other countries in a global marketplace, if we want to move goods and people safely and efficiently, if we want our standard of living to continue to grow, and if we want to preserve our national defense readiness--Congress must enact the NHS to guide future decisions and to serve as the foundation of any thriving national transportation system.

Thank you for giving me the opportunity to appear before you today. With your permission, Mr. Chairman, I would like to ask the Federal Highway Administrator, Rodney Slater, utilizing the GIS, to electronically portray the NHS for the Committee. After that we will be glad to answer questions.

2/23/94, 5:50 p.m. NOT FOR RELEASE

THE NATIONAL HIGHWAY SYSTEM
Backbone of America's Intermodal Transportation Network

Rodney E. Slater
Federal Highway Administrator

February 24, 1994
House Public Works and Transportation Committee
Surface Transportation Subcommittee

I'm very pleased to be here today to discuss the National Highway System.

I want to thank Secretary Peña, whose comments serve as an introduction to the role of the National Highway System in the broader context of our future National Transportation System.

The National Highway System is going to be the backbone of our national transportation network in the 21st century--it is going to affect every American, directly or indirectly.

The proposed National Highway System consists of nearly 159,000 miles of the most important roads in the United States.

To put this in perspective, a National Highway System of this scale would include only 4 percent of the 4 million miles of our public roads. Nevertheless, the National Highway System will carry over 40 percent of the Nation's highway traffic and 70 percent of truck freight.

That's strategic investment.

And that's what we need if we want to get the most out of our transportation dollar--and ensure our transportation dollar makes the most impact on our economy.

As we proceed, I'll be using Geographic Information System (GIS) technology to present the proposed National Highway System and to show how it responds to ISTEA's requirements.

The GIS, a computer system that integrates information based on location and provides for interactive graphics, is a breakthrough in data management technology that will play a significant role in future transportation planning. GIS will become an even more powerful tool in coming years as we plug in new data on traffic flows and interconnections between transportation modes.

We'll portray the proposed National Highway System at the national, State, and urbanized area levels.

We start with the State lines and show major waterways around the country.

Next we add the 399 urbanized areas, **shown in yellow.**

The first component of the proposed National Highway System, **shown in blue**, is the 45,000-mile Interstate System, which accounts for nearly 30 percent of the proposed system mileage.

The second component, **shown in orange**, includes 21 high-priority corridors as identified in the ISTEA. These corridors total 4,500 miles.

The third component, **shown in green**, is the non-Interstate portion of the Strategic Highway Corridor Network (STRAHNET), identified by the Department of Defense in cooperation with the Department of Transportation. It totals about 15,700 miles.

Based on the most recent information, including plans for base closures, these corridors, and the Interstate System, have been identified by the Department of Defense as the most critical highway links in our transportation system.

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As we found during Desert Storm, highway mobility is essential to our national defense by giving us the ability to move troops and equipment to airports, ports, rail lines, and other bases for rapid deployment. The changing nature of warfare makes these systems very important.

The fourth component, **shown in purple**, is major Strategic Highway Corridor Network connectors. They consist of 1,900 miles of roads linking major military installations and other defense-related facilities to the STRAHNET corridors.

Collectively, these four components, all specifically required by ISTEA, account for 67,500 miles or roughly 43 percent of the proposed system.

The remainder of the proposed system (totalling 91,000 miles), **shown in red**, is made up of other important arterial highways that serve interstate and interregional travel and that provide connections to major ports, airports, public transportation facilities and other intermodal facilities.

In such a diverse Nation, finding selection criteria that fit all States wasn't easy. For example, the NHS must meet the needs of both densely populated areas as well as less populated States.

Therefore, we worked closely with the State transportation departments and with local governments, particularly the metropolitan planning organizations. They, after all, know best how their roads function and how their roads fit into their overall transportation plans.

The final features that will be added to our map are the **intermodal facilities and military installations** that will be served by the proposed National Highway System.

To highlight these facilities, we'll use subdued lines on the map.

As shown here, the National Highway System will serve major transportation facilities, including:

- 104 major ports, as identified by the Maritime Administration,

- 143 major airports, as identified by the Federal Aviation Administration,

- 321 major Amtrak stations, and
- 191 rail/truck terminals, as identified by the Federal Railroad Administration,

- 242 military and defense-related installations, as identified by the Department of Defense, and

- 319 public transit systems, as identified by the Federal Transit Administration.

So let's move to the **State level**.

Using **Georgia** as an example, we can look at the proposed system in greater detail.

We start with Georgia's **11 urbanized areas**, such as **Atlanta**, the largest and the State capitol; **Savannah**, on the coast; and **Columbus**, on the Georgia-Alabama border--all shown here.

Using the same color scheme used at the National level, here is the NHS for Georgia:

- Interstate System in blue,
- Congressional high-priority corridors in orange,
- Strategic Highway Corridor Network in green,
- Major Strategic Highway Corridor Network connectors in purple, and
- Other principal arterials in red.

Using **flashing symbols**, we can now show how the National Highway System fits into the broader context of Georgia's transportation needs--again confining ourselves to major transportation facilities, including:

- nine major military installations,
- two major airports,
- two major ports,
- four major highway/rail transfer facilities, and
- four major Amtrak stations.

There you have the National Highway System for Georgia.

Now let's shift focus again--this time, to the **urbanized area of Atlanta**.

Like millions of others around the world, we've probably all been avidly watching the Olympic winter games in Lillehammer, Norway, and recognizing that the eyes of the world will soon be on Atlanta.

As the host city for the 1996 Olympic games, Atlanta will be faced with challenges to its transportation system similar to the ones presented in Lillehammer. Highways, transit, railroads, and airports will all play significant roles in meeting these challenges.

The proposed National Highway System is a key element of Atlanta's intermodal transportation system.

To illustrate the potential for integrating all modes, here you see the **MARTA rapid rail system**.

The Atlanta area's **principal rail lines** are now shown.

Flashing **in green** are the major **Olympic venues** in Atlanta.

Finally, we see the **military installations** and **intermodal terminals** that complete the demonstration for the urbanized area.

That completes the GIS demonstration of the urbanized area of Atlanta.

[NHS MAP OF THE NATION]

I hope this has illustrated that the National Highway System, by itself, is important, but its value is enhanced because it provides vital links to the other modes of transportation. Allow me to give you a few details.

To ensure the National Highway System provides this intermodal connectivity, we worked with our State and local partners, with the private sector, and with our colleagues in the Aviation, Transit, Railroad, and Maritime Administrations, as well as with the Department of Defense, in selecting the proposed routes.

Like so much that is important about ISTEA, the National Highway System is a flexible concept. Such flexibility is essential because each State and local government has its own unique transportation goals and pursues different ways of achieving them.

The NHS empowers these governments and their partners to invest their limited transportation funds to spur economic growth and productivity, increase system performance, and further improve our Nation's impressive transportation safety record.

After describing all that the NHS is, I'd like to tell you what it is **not**. The National Highway System will not be another Interstate System.

Beyond the Interstate portion, the National Highway System is mostly two-lane roads today and will likely remain that way.

In fact, virtually all of the National Highway System is existing mileage--less than 2 percent is new mileage and this 2 percent is already in State plans.

National Importance of NHS: Natural Disasters

The fact that nearly all of the NHS is comprised of roads already constructed makes it easy for us to take this transportation system for granted, believing that the roads and bridges we have long relied on will always be available.

Last year's flooding in the Midwest and January's earthquake in Los Angeles, in crippling surface transportation through those areas, served as sharp reminders of the national importance of our infrastructure system.

They demonstrated how critical our transportation network is not only to the economy, in terms of moving goods, but to our daily lives as well. This transportation network also takes us to work, school, church, and recreation areas.

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[PHOTO OF FLOOD AREA]

In the Midwest, over 2200 miles of roads, including approximately 350 miles of proposed NHS routes, were underwater at the height of the floods. This photograph of flooded roadways is representative of the flood's effect throughout the Midwest.

[NHS MAP OF FLOOD AREA]

Almost 300 bridges were closed because of flooding on the approach roadways. On this map showing the confluence of the Mississippi and Missouri Rivers at St. Louis, the **circles** mark **major bridge closings**.

Once the flood waters began to recede, we went to work immediately to help restore essential highway routes. At one time, the **only highways open** to traffic across the Mississippi River between St. Louis and Illinois were **the Interstate highways**, shown in **blue**.

These roads not only served local needs, but were vital to the east-west movement of people and goods from coast to coast.

The routes now included in the proposed NHS also served those who ordinarily relied on railroads and barges to transport their goods, but who were able to quickly turn to the highway system when these other modes were slowed or stopped by the floods.

[PHOTO OF EARTHQUAKE DAMAGE]

The California earthquake, although obviously having the greatest impact on the Los Angeles metropolitan area, again underscores the importance of the NHS system to the Nation as a whole.

[NHS MAP OF QUAKE AREA]

As you can see by the circles on this map, 4 major freeways suffered severe damage. None of the structures that were completely seismically retrofitted failed in the quake.

The **Interstate highways**, shown in **blue**, connect California with the entire Nation, and make it possible for us throughout the Country to enjoy goods that are produced in California.

In fact, nearly every NHS route in the Los Angeles metropolitan area played an important role in keeping the city moving after the quake, whether serving as alternate or detour routes around damaged facilities or linking commuter rail routes, mass transit facilities, ports, and airports.

Thus the earthquake did much more than damage the freeways in the Los Angeles area. It **threatened critical routes** that connect several different transportation modes to each other and similarly **unite California** with the rest of the Nation.

You might ask why, in closing, I have focused on natural disasters which have impacted the NHS adversely. In spite of the damage to selected elements, overall there was excellent survivability of Interstate structures in the quake and the Interstates, with minor exceptions, remained open during the flooding in the Midwest.

The NHS will focus resources on these principal highways and allow us to make strategic investments in our infrastructure and provide appropriate standards to ensure that these vital routes can withstand future disasters.

[NHS MAP OF THE NATION]

Closing

We hope that this GIS presentation of the NHS demonstrated what a significant move the designation of the NHS will be and how it will serve and bind together virtually every area of the country and every facet of our National and International economy.

I am convinced that the time for intermodal solutions to transportation challenges is now, and that the NHS will play a crucial role in this process. So our work is not done. The National Highway System is a major priority of the Department and the number one priority of the Federal Highway Administration.

We will continue working with Congress and our State and local partners to do what it takes to mold the best of each transportation mode into a seamless intermodal transportation network.

I look forward to making the system you have seen here today a reality.

THE NATIONAL TRANSPORTATION SYSTEM AND THE NATIONAL HIGHWAY SYSTEM
Evolution of an Idea

The recommended National Highway System (NHS), which the Department of Transportation (DOT) is submitting to Congress on December 9, 1993, is an outgrowth of efforts to identify post-Interstate transportation needs. The NHS is the first step in a continuing effort to combine the Nation's modal networks into a National Transportation System (NTS) that will meet our nation's transportation demand in the 21st century.

In the late 1980's, with completion of the Eisenhower Interstate System in sight, the American Association of State Highway and Transportation Officials (AASHTO) initiated the Transportation 2020 initiative, which brought together 105 highway and transportation groups to explore options for the 21st century. They identified population, geographic, and economic changes that had occurred in the country since 1956 and recognized the need to improve intermodal connections, serve defense needs, and ensure continued sensitivity to environmental issues.

In addition to cooperating with the Transportation 2020 initiative, the Federal Highway Administration (FHWA) initiated its own "Future National Highway Program" initiative in 1987. The result was a November 1988 publication entitled *America's Challenge for Highway Transportation in the 21st Century*, which discussed options for focusing Federal resources on programs that improve highways serving interstate or intercity needs. One option that was given strong emphasis was to limit the primary program to a system of principal arterials.

The FHWA and AASHTO worked with the State transportation departments to identify criteria for designating such a system. This effort established the groundwork for future efforts, but did not identify criteria that every State in this diverse Nation could accept.

In the spring of 1990, following congressional testimony by AASHTO regarding the National Highway System concept, the Congress asked the FHWA to prepare a map illustrating what an NHS might look like. The request also asked the FHWA to work with AASHTO, the National Association of Regional Councils, the individual State transportation agencies, and the metropolitan planning organizations to prepare the map.

On February 19, 1991, the FHWA submitted an illustrative map to the House Committee on Public Works and Transportation and to the Senate Committee on Environment and Public Works. The map proved to be a resource as debate over an NHS moved into the Congress.

While preparation of the illustrative map was underway, the DOT developed legislative proposals for reauthorization of the highway and transit programs based on the National Transportation Policy. The proposal, released on February 13, 1991, recommended establishing an NHS of some 155,000 miles (plus or minus 10 percent).

The resulting legislation, Section 1006(a) of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA), directed the DOT to use the illustrative system as the starting point for a report to Congress in 2 years identifying highways proposed to be designated as part of a 155,000-mile NHS (plus or minus 15 percent). The approved elements of the NHS are the Interstate System, the Strategic Highway Network and its connectors, congressional high-priority corridors identified in ISTEA, and selected principal arterials.

Following enactment of ISTEA, the FHWA worked with State and local officials and the Department of Defense to prepare recommendations. A nationwide functional classification of the Nation's roads, conducted by the FHWA with State and local officials and completed in early 1993, identified all principal arterials. The State transportation departments then worked with local officials to develop recommendations on which principal arterials should be included in the NHS. The FHWA also worked with other DOT agencies to identify airport, maritime, port, rail, and transit facilities that were sufficiently important to be illustrated in the NHS report.

Under ISTEA, congressional approval of the NHS is required by September 30, 1995. Since enactment of ISTEA, the States have been able to use NHS funding on any road classified as a principal arterial. Following congressional approval, funding will be limited to routes on the NHS.

With completion of the NHS report to Congress, the DOT is taking the next important step by launching an effort to develop the National Transportation System.

The National Transportation System will, for the first time, pull together our diverse transportation systems into a seamless intermodal web. As with the illustrative NHS map in 1991, the NTS process will begin with development of a map showing each mode of transportation in relation to the others. In this way, we will, for the first time, be able to accurately analyze America's future transportation investment choices.

ESTIMATED MILEAGE AND TRAVEL FOR PROPOSED NATIONAL HIGHWAY SYSTEM

STATE	PROPOSED NHS RURAL	% OF TOTAL RURAL MILES	ESTIMATED TRAVEL RURAL NHS (MILLIONS)	PERCENT OF TOTAL TRAVEL	TOTAL NHS URBAN MILES	PERCENT OF TOTAL URBAN MILES	ESTIMATED TRAVEL URBAN NHS (MILLIONS)	PERCENT OF URBAN TRAVEL	TOTAL NHS MILEAGE
ALABAMA	2,630	3 6%	9,012	41 4%	1,040	5 3%	8,550	35 8%	3670
ALASKA	1,489	12 5%	992	46 8%	120	7 3%	838	42 8%	1609
ARIZONA	2,138	5 1%	8,617	48 4%	656	4 8%	7,607	35 3%	2794
ARKANSAS	2,242	3 2%	5,788	40 4%	601	5 3%	3,378	41 7%	2643
CALIFORNIA	4,822	5 8%	27,818	53 6%	2,508	3 1%	85,460	49 5%	7430
COLORADO	2,812	4 0%	5,848	52 3%	761	6 0%	8,107	48 1%	3573
CONNECTICUT	382	4 1%	2,556	42 6%	614	5 3%	10,013	47 8%	976
DELAWARE	210	5 7%	1,437	51 3%	95	5 1%	1,432	35 6%	305
DIST OF COL	0	0 0%	0	0 0%	73	6 8%	1,426	40 7%	73
FLORIDA	2,626	4 5%	17,884	50 7%	1,172	2 4%	21,738	22 3%	4098
GEORGIA	3,479	4 1%	11,331	38 4%	1,183	4 4%	14,813	36 5%	4662
HAWAII	148	8 3%	752	31 1%	188	7 9%	2,088	32 0%	314
IDAHO	2,207	3 0%	3,382	45 3%	137	4 7%	1,004	28 4%	2344
ILLINOIS	3,298	3 3%	10,413	38 8%	2,048	8 0%	25,408	41 4%	5345
INDIANA	2,067	2 9%	10,511	35 7%	623	3 3%	7,262	27 8%	2720
IOWA	2,731	2 6%	5,715	38 4%	473	5 2%	2,490	30 7%	3204
KANSAS	3,381	2 7%	5,624	43 8%	386	4 2%	3,540	31 5%	3767
KENTUCKY	2,213	3 8%	8,157	38 1%	456	5 7%	5,835	35 0%	2669
LOUISIANA	1,934	4 2%	6,250	38 5%	735	5 1%	7,984	39 3%	2669
MAINE	980	4 9%	3,094	35 8%	158	6 3%	1,066	34 8%	1139
MARYLAND	808	5 2%	6,360	48 5%	555	4 1%	13,157	45 2%	1381
MASSACHUSETTS	486	4 1%	4,084	48 2%	1,373	8 2%	17,527	43 2%	1859
MICHIGAN	3,041	3 4%	11,142	38 0%	1,677	6 0%	23,412	44 5%	4718
MINNESOTA	3,281	2 8%	8,733	35 9%	688	4 7%	8,878	43 3%	3947
MISSISSIPPI	2,339	3 6%	6,362	38 1%	371	4 6%	2,403	29 3%	2710
MISSOURI	3,538	3 4%	11,902	48 3%	958	5 4%	12,853	41 2%	4496
MONTANA	3,693	5 4%	3,420	55 5%	116	4 9%	448	20 4%	3809
NEBRASKA	2,778	3 2%	3,981	44 6%	297	5 9%	2,140	37 9%	3075
NEVADA	1,941	4 7%	3,658	66 0%	204	4 9%	4,344	39 0%	2145
NEW HAMPSHIRE	634	5 2%	2,368	39 1%	158	5 4%	1,850	42 4%	792
NEW JERSEY	663	6 3%	9,864	57 0%	1,284	5 4%	22,550	48 1%	1947
NEW MEXICO	2,660	4 8%	5,652	45 8%	317	5 4%	2,434	36 6%	2977
NEW YORK	2,673	3 8%	10,157	33 1%	2,206	5 5%	34,317	42 4%	4879
NORTH CAROLINA	2,872	4 0%	13,718	41 4%	961	4 5%	10,535	36 4%	3833
NORTH DAKOTA	2,455	2 9%	1,782	40 7%	104	5 6%	395	25 2%	2559
OHIO	2,678	3 5%	13,488	35 7%	1,501	5 1%	22,817	39 3%	4177
OKLAHOMA	2,674	2 7%	6,786	39 8%	457	3 7%	5,821	30 7%	3131
OREGON	3,224	3 7%	7,794	52 9%	446	4 5%	5,454	42 5%	3670
PENNSYLVANIA	3,468	4 0%	15,425	41 4%	1,922	6 2%	18,678	38 1%	5388
PUERTO RICO	178	2 2%	1,116	33 0%	255	4 3%	3,473	34 6%	434
RHODE ISLAND	88	5 0%	494	58 9%	179	3 8%	2,265	36 1%	267
SOUTH CAROLINA	2,016	3 7%	8,869	42 7%	629	5 9%	5,578	40 4%	2645
SOUTH DAKOTA	2,850	3 5%	1,783	41 3%	104	5 4%	343	26 6%	2954
TENNESSEE	2,377	3 5%	10,864	42 8%	937	5 6%	11,026	39 4%	3314
TEXAS	6,771	4 0%	26,781	48 2%	4,540	5 7%	56,548	47 5%	13311
UTAH	1,788	4 8%	3,438	60 7%	378	8 2%	4,886	48 8%	2165
VERMONT	606	4 7%	1,734	41 8%	79	6 0%	385	23 1%	685
VIRGINIA	2,208	4 3%	11,627	43 4%	1,240	7 1%	14,205	41 4%	3446
WASHINGTON	2,608	4 2%	7,084	49 6%	734	4 1%	12,351	41 0%	3342
WEST VIRGINIA	1,446	4 6%	4,930	43 9%	218	7 1%	1,961	41 1%	1665
WISCONSIN	3,207	3 4%	8,962	38 7%	871	5 7%	7,624	32 5%	4078
WYOMING	2,507	6 9%	2,867	59 2%	173	7 3%	529	31 4%	2680
TOTAL	118,838	3 8%	372,759	42 9%	39,849	5 0%	561,332	40 0%	158687

NATIONAL HIGHWAY SYSTEM FACT SHEET

System Extent

Rural Mileage	118,834	(75%)
Urban Mileage	39,840	(25%)
Total Mileage	158,674	

Required Components

Interstate System	45,376	miles
Strategic Highway Network	15,668	miles
Major Strategic Highway Network Connectors for 242 military installations	1,890	miles
Congressional High Priority Corridors	4,506	miles

System Characteristics

Full Access Control

Interstate System	44,376	miles
Non-Interstate routes	7,876	miles
Total	52,252	miles

Jurisdictional Control

State Owned (Estimated)	150,000	miles
Other Owned (Estimated)	9,000	miles

Travel Served

Rural (Percent of total rural vehicle miles of travel)	42	percent (Est.)
Urban (Percent of total urban vehicle miles of travel)	40	percent (Est.)

Intermodal Facilities (Illustrated on maps)

Water Ports	104
Airports	143
Amtrak Stations	321
Rail/Truck Terminals	191
Public Transportation Systems	319

Border Crossings

With Canada	32
With Mexico	21

ADDITIONS TO THE RECORD

Statement of Ross Capon

Executive Director

National Association of Railroad Passengers

Submitted March 25, 1994
to the Subcommittee on Surface Transportation
The Honorable Nick Joe Rahall II, Chairman

Committee on Public Works and Transportation
United States House of Representatives

National Highway System

We agree with Secretary Pena that the National Highway System should be one component of a truly intermodal, balanced National Transportation System which includes rail.

We reaffirm our support for giving states the right to spend Surface Transportation Program ("flexible highway") funds on intercity passenger rail projects as was provided for in the initial Senate-passed version of ISTEA.

State transportation spending is heavily influenced by the ability of various investments to leverage federal funds. Thus, states wanting to move forward with intercity passenger rail generally must forego federal matching funds. Conversely, the federal government, by continuing to provide ample federal matching funds for state and local aviation and highway investments--but not intercity rail passenger projects--encourages states to neglect such projects.

The result, as Secretary Pena hinted when he unveiled his National Highway System proposal at Washington Union Station, is investment decisions that are influenced more by funding availability than by serious analysis of the most efficient way to solve a problem.

We share the concerns expressed at your March 3 hearing that the NHS should not be used as a vehicle to bias the process in favor of new highways--such as the Atlanta belt highway and the Pasadena Freeway--which violate the spirit and perhaps also the letter of ISTEA. Also, we are concerned that, even though ISTEA looked with favor on mass transit, alter-natives to automobile travel are not getting the boost that ISTEA should be providing. State, and in some cases local, officials are not taking advantage of the opportunities ISTEA presents.

Finally, we support the Association of American Railroads in urging the Committee to:

1. "strengthen the ISTEA planning process to require states

and localities to give an extremely high priority to intermodal connections....";

2. "enact a 53 foot cap on allowable truck lengths," particularly since six states have legalized single trailer lengths of 57 feet or more *since 1990*; and

3. "direct that the U.S. Department of Transportation, just as with the Interstate system, adopt highway design standards which require the elimination of all highway-rail grade crossings on the NHS as a long term objective."

Item #3 is just as vital to intercity passenger rail as to rail freight transportation. This fact was dramatically illustrated by two serious Amtrak grade-crossing crashes with large trucks in late 1993--near Kissimmee, FL, on November 30 and in Gary, IN, on December 21.

However, we continue to support new, well-designed light rail projects which involve street or median running and grade crossings (on or off NHS roads), since light rail can bring many of the marketing advantages of fully grade separated "heavy" rail at a fraction of the latter's cost.

Thank you for considering our views.

# # #

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March 16, 1994

Hon. Federico Pena
Secretary of Transportation
Department of Transportation
400 Seventh Street, S.W.
Washington, D.C. 20590

Dear Secretary Pena:

Thank you for your recent testimony before the Subcommittee on Surface Transportation. I regret that scheduling conflicts prevented me from being present to discuss the important work you and FHwA Administrator Rodney Slater have done in implementing the requirements of ISTEA.

I would, however, like to ask you a few questions for the record. Your response would be greatly appreciated.

-- ISTEA provided for a freeze on longer combination vehicles based on where they were lawful and in actual operation as of June 1, 1991. The Department of Transportation was directed to issue regulations defining the routes and configurations that met that criteria. When will the final regulations be published?

-- The Department has stated that only parts of the National Highway System will be upgraded to the full design standards of the Interstate system, which are the most rigorous in terms of safety and structural integrity. The Department's NHS recommendation does to call for the application of the Interstate weight standards for the Non-Interstate portion of the NHS even though the application of those standards would provide for a longer useful life for these highways, reduce expenditures of scarce Highway Trust Fund resources and increase the margin of safety on these roads. In view of these anticipated benefits, what would the Department's position be on putting the Interstate weight limitations on the Non-Interstate portion of the NHS?

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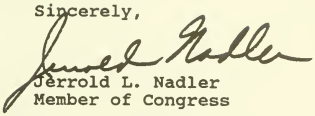
Thank you for your time and attention to this matter. I look forward to hearing from you soon.

Sincerely,



Jerrold L. Nadler
Member of Congress

cc: Hon. Nick J. Rahall, II
Hon. Norman Y. Mineta

THE NATIONAL HIGHWAY SYSTEM AND ANCILLARY ISSUES RELATING TO HIGHWAY AND TRANSIT PROGRAMS

TUESDAY, MARCH 1, 1994

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON SURFACE TRANSPORTATION,
COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION,
Washington, DC.

The subcommittee met, pursuant to recess, at 10:38 a.m., in room 2253, Rayburn House Office Building, Hon. Nick J. Rahall II (chairman of the subcommittee) presiding.

Mr. RAHALL. The subcommittee will please come to order.

The subcommittee is meeting today to conduct the second in a series of hearings on the proposed National Highway System and ancillary issues relating to highway and transit programs. Today's witnesses represent Federal, State and local government officials. On Thursday, we will be receiving testimony from the private sector. Following that, we will then conduct three days of marathon hearings on specific transportation project requests.

That concludes my opening statement and I will now recognize the ranking minority member, the gentleman from Wisconsin, Mr. Petri.

Mr. PETRI. Thank you, Mr. Chairman.

This morning's hearing should be particularly informative as most of our witnesses are the parties most responsible for actually carrying out the transportation programs and policies that we write here in Washington. State transportation departments and regional officials are at the front lines and so their perspectives on the National Highway System and other transportation issues are of great benefit to the subcommittee.

We probably don't give much thought to our strategic corridor network as we go about our daily lives but in a time of crisis, it is critical that our troops and equipment be able to move quickly and efficiently. As General Wykle will point out this morning, the National Highway System will improve the Defense Department's ability to meet national defense needs during a mobilization like Desert Storm in 1991.

Mr. Chairman, I join you in welcoming all the witnesses today, including particularly our colleague, Tony Beilenson, and I look forward to an interesting and informative hearing.

Thank you, Mr. Chairman.

Mr. RAHALL. Do any other members of the subcommittee desire recognition? [No response.]

Without further ado, we will proceed to our list of witnesses.

We are very pleased to have with us the gentleman from California, Mr. Anthony Beilenson, who has been very instrumental in the past on a number of issues in regard to highway legislation. Besides that, he is a member of the same class as me, so I am very glad to welcome you this morning, Tony. You may proceed in whichever fashion you desire.

TESTIMONY OF HON. ANTHONY C. BEILENSON, A REPRESENTATIVE IN CONGRESS FROM CALIFORNIA

Mr. BEILENSON. Thank you very much, Mr. Chairman, and members of the subcommittee.

I do appreciate very much your taking me early on in your hearing. As I told you, Mr. Chairman, I have to run over shortly to the White House with the other members of the Budget Committee to get our instructions from the President about this year's budget.

Mr. Chairman, two years ago, the vast majority of the House joined me in passing an amendment to the Intermodal Surface Transportation Efficiency Act of 1991 that would have permitted States to include contractor guarantees in their Federal aid highway contracts. The amendment passed by a vote of 400 to 26 but unfortunately was dropped from the final bill by House and Senate conferees.

I have introduced legislation identical to that amendment, H.R. 3236, and hope that the subcommittee will consider incorporating it in its legislation approving the national highway system.

As members of this subcommittee know, Federal highway dollars have traditionally been reserved for construction rather than maintenance and the Federal Highway Administration has prohibited States from requiring any warranties from contractors when awarding federally-funded contracts because warranties might cause bidders to raise the initial price of a project. The unfortunate effect of this policy is that we reward the use of the cheapest, lowest quality materials in highway construction and prevent States from building quality performance standards into their construction contracts.

Transportation officials in the Bush Administration supported changing this policy, believing that the introduction of contractor guarantees into the bidding process might spur innovation, superior quality and the use of the kind of advanced technology other countries are already aggressively taking advantage of.

Perhaps building better quality roads requires more than just allowing contractor warranties. Maybe we need to explore the possibility of issuing more contractors for both design and construction and ask firms that win these contracts to guarantee their designs, materials and their workmanship. The benefits could be enormous.

In Europe, where highway contracts are awarded on the basis of a combination of cost, quality and a contractor's three to five year full replacement guarantee, roads cost an average of 30 percent more to construct but they last twice as long as they do here. Sounder sub bases, thicker pavements, advanced polymer additives, and stronger asphalt produce highways that are smoother and quieter and are stubbornly resistant to ruts, cracks and pot-

holes. European roads even handle heavier loads than are permitted on our highways.

Meanwhile, our own strict, low-bid, construction-only system gives contractors no incentive at all to consider long-term performance when preparing their bids. We literally reward the use of the cheapest, lowest-quality materials and the least-expensive labor. We actually penalize any effort to improve road quality or offer superior workmanship. It is an inflexible, unwise and short-sighted policy that will cost taxpayers billions of dollars in unnecessary highway repair bills and results in intolerable and costly traffic delays.

It is no surprise that while total Government expenditures for roads have doubled over the past decade, half of all roads in America are rated in fair to poor condition. A 1991 report by the Office of Technology Assessment on the quality of our public works infrastructure found that "When construction quality is poor and repairs are needed constantly. The costs of providing alternative service traffic diversion and delay can equal the capital costs, doubling the total expense of a given project."

As we embark on a multibillion dollar investment in the restoration of the Nation's infrastructure, I believe we owe it to the taxpayers to do everything we can to adopt reforms that will save us money, help the road construction industry to be more competitive, stimulate investment and make our transportation infrastructure more durable and efficient. Permitting States to demand a guarantee of a minimum standard of quality in highway projects would not, in itself, Mr. Chairman, cure our country's infrastructure ills but Americans should be outraged that in an era of huge budget deficits, we have failed thus far to fulfill our responsibility to see that Federal highway money is as well spent as it could be.

I appreciate, as I said, Mr. Chairman, your giving me this opportunity to speak briefly to you about this matter. You are well aware of the fact that I am not nearly so expert as are members of this subcommittee on this particular subject. I am, however, as other Americans and yourselves are, expert on the quality of the roads in this country. This whole matter was first brought to my attention when my wife and I, on a number of occasions in recent years, rented cars and driven in nations in Europe mainly, in colder climates, up in Finland and Scotland, in Ireland, in Sweden, where we noticed that all of the roads appeared to be just built. There were no potholes in any of them, they were in terrific shape and we come back here and we see what we see here.

I have discovered since then that there are at least some reasons for this, one of which is that Europeans, although at greater cost at the outset, build for longer performance, put in more money for greater quality and it pays over the long run. As I said, I'm not an expert in this, and this may not be the best way, certainly not the only way, of seeking and achieving higher quality, but we've got to push ourselves—if I might be so bold—because we're going to be investing $120 billion to $150 billion over the next few years in rebuilding our highways and building new ones which is utterly necessary as the gentleman and ladies well know. Let's try to ensure, if we possibly can, that we get roads that are of the highest possible quality and that we don't have to spend half of our money

over again repairing roads that should have been build better in the first place.

I commend this to you as one way to perhaps achieve greater quality, higher quality in our infrastructure building. I am sure there are other perhaps even better ways as well.

Thank you, Mr. Chairman.

Mr. RAHALL. Thank you very much, Tony, for your testimony.

You talked to me in the last session of Congress about including this particular provision in the technical correction bill that we passed. We chose not to do that.

Mr. BEILENSON. You are absolutely correct, Mr. Chairman. That would have been an improper place to put it, in my opinion, because this is a major issue which should be discussed at some length and that was not the proper place to put it.

Mr. RAHALL. I appreciate your explanation. That prevents me from having to go through it.

I know your language passed overwhelmingly on the floor of the House during the consideration of ISTEA but as a compromise in the final conference committee, the GAO was instructed to conduct a study on this issue; is that correct?

Mr. BEILENSON. That is correct.

Mr. RAHALL. Do you know the status of that?

Mr. BEILENSON. That was not a compromise that I signed off on, Mr. Chairman. We had already compromised in the language of the amendment which was adopted on the floor trying to keep the contractors as happy as we possibly could.

That study is underway. I believe they have some perhaps preliminary findings. I think they can speak for themselves. I do believe in the next 3 to 4 months that study will be complete. You have to pass some legislation, I take it, in the relatively near future and I hope that doesn't get ahead of the study or any other efforts that you might be able to contribute to try to ensure greater quality in whatever else we do build in the near future.

Mr. RAHALL. That time frame seems to coincide with our hoped-for schedule for reporting the National Highway System bill before the House, so perhaps we will have some information by that time.

I have no further questions. The gentleman from Wisconsin.

Mr. PETRI. I would like to thank you for sticking with this issue and working on it. I think you have put your finger on something that is quite apparent, appropriate, and increasingly important.

The people who are responsible for keeping our eye on the ball and on nurturing and enlarging the Federal highway system say their efforts go back to the 1920s and 1930s and really took off under Eisenhower. At that time, they were trying to get the system in place and to get as big a system as possible built as quickly as possible, which would be a rationale for skimping on materials and on quality just to get it done. Now we are in a different phase where it is essentially in place. We are a faster changing and bigger country than Europe, but that doesn't mean we want to throw money away. We do want to get good quality and so I think this is an appropriate time to review that policy and see if we can't come up with some adaptation of what they do that is appropriate to American circumstances.

There is some fear, as you know, that this could end up favoring larger, more financially secure contractors at the expense of smaller ones. These sorts of issues, I think, need to be worked through, but that is no excuse for not trying to do a better job of maintaining our roads now that the system is in place.

I cannot let this opportunity pass without saying we have been through a very good example of the results from this pennywise and pound foolish approach here in the District of Columbia with our most recent storms. Newspaper reports which may or may not be true, indicate that city policy evidently discourages, or even forbids, the use of better quality road materials. As a result, it may save the city a few dollars but all the motorists pay through delays and the expense and damage to the vehicles. It has to be an overall big cost to our society.

Mr. BEILENSON. That first page of the Washington Post a few days ago reminded me of the problem here too. That's exactly true.

I thank the gentleman for his comments and his support last year. It is true. In Europe, apparently they do depend on fewer contractors. I know there is a problem with respect to smaller American contractors but there has to be some way of our resolving that problem. We've got to find some way to ensure that we spend our money, because we are spending so much of it now and quite properly so on this, as well and as wisely as we possibly can.

Mr. RAHALL. As normal, the Chair will recognize members for questions by the order in which they were present this morning. First, the gentleman from California, Mr. Kim. Do you have any questions?

Mr. KIM. No.

Mr. RAHALL. The gentleman from Pennsylvania, Mr. Clinger.

Mr. CLINGER. No questions, Mr. Chairman. I just want to thank the gentleman from California for his leadership in this area. I can just confirm your experience in driving in this country as opposed to driving in Europe where there clearly is a superior quality of roads there. Yes, it does cost more initially, the materials they are using in Europe are generally more costly, but the longevity they get as a result of using the higher quality material more than offsets the initial cost. So I would just commend you for your leadership on this issue.

Mr. RAHALL. The gentleman from California, Mr. McKeon.

Mr. MCKEON. I would like to welcome Tony here, he's my neighbor at home and one that I have enjoyed working with on other projects.

I'm new to this, so I don't know the history, and I haven't had the experience of driving in Europe, but I do drive around here and we have a real problem. What about just upgrading the specs so that they conform with those kind of roads? It seems to me to throw money away on the shortsightedness is a real problem. If that would work or any other way that you would talk about, I would want to help and support you in this effort.

Mr. BEILENSON. With respect to the specs, yes, that is true. The contractors, I have spoken to, for example, lay the blame at the door of the various State transportation agencies who are not asking, in a sense, enough of them. That may well be the better way of doing it. I'm not sure. As I said, I don't in any sense want to

present myself as someone who is expert in this field, I'm not. It's just that I keep noticing time after time that we're not doing the kind of job that we ought to.

I have a suggestion here which is similar to the way that it is done in some European places where the outcome seems awfully good, but I'm simply here to urge you to pursue this matter to try to ensure, if you possibly can, through whatever combination of ways makes the most sense to you the fact that when we start reinvesting so much money in our highway system that we do it with a view toward the long term and to ensuring that we get a kind of quality that other countries apparently have been able to get, which we have failed to get for whatever reason. This may be an overly simplistic way of going about it, but it has helped to bring peoples' attention to the problem and I'm sure in your capable hands, you will find some useful answers.

Mr. MCKEON. I think that overly simplistic is what we need more of here and that's not what we tend to generally do. In the Congress, we tend to try to make it too complicated and I would favor anything that makes it simpler. I would be happy to work with you and our Chairman in this effort.

Mr. RAHALL. The gentlelady from Missouri, Ms. Danner, is recognized.

Ms. DANNER. I appreciate this opportunity. It's very good to see you here this morning.

Having served as Chairman of the Senate Transportation Committee in my State of Missouri for a number of years, I have more than a passing interest in this particular subject. I am pleased to see that we have a member who is addressing this issue.

Most particularly this year, with the incredible freezing and thawing we have had, we have seen what that can do to our roads. I notice that you mentioned the roads in the cold weather countries that you have traveled through. I want you to know that I am in complete agreement with your comments, Tony.

Mr. BEILENSON. Thank you very much.

Mr. RAHALL. The gentleman from New Hampshire, Mr. Zeliff.

Mr. ZELIFF. No.

Mr. RAHALL. The gentleman from California, Mr. Baker?

Mr. BAKER. Very briefly, Mr. Chairman.

Thank you, Mr. Beilenson for being here. As you know, we have had two miracles in California, one where we had a World Series going on and everyone was either at home on the television set or in the game itself and very few people, relatively speaking, were injured when the Cypress collapsed and the Bay Bridge fell and so forth. The second miracle was 4:30 a.m. on a holiday. If that had been 6:30 a.m. on a normal day, a lot of people would have been injured and killed. About 4,000 bridges and overpasses in California need retrofitting.

In both the budget balancing acts, President Bush's final disaster, the 1990 compromise and the 1993, had 2.5 cents and 4.3 cents respectively of gas tax money thrown into the abyss called budget-balancing. Would you favor bringing those gas tax revenues back to spend on retrofitting our bridges and our freeways before the next disaster?

Mr. BEILENSON. You're talking about the next physical disaster or the next tax disaster? You seem to be lumping them all together. I rather liked and was supportive of Mr. Bush's 1990 proposal and also the one we passed last year by a single vote in this House. I am someone to be truthful, I'm not the right person to ask because every year I introduce a bill which would raise the gas tax anywhere from 25 to 50 cents, almost all of which should be used, in my opinion, for doing the kinds of things that you folks are involved in doing. I think if you raise it a sizable amount, you can also dedicate part of it to reducing the size of the deficit.

Mr. BAKER. I was one of four authors of 108 and 111 and was the one who held out to keep it at 9 cents when no one thought it would pass. It passed by one-half of 1 percent at 9 cents; everyone else wanted to run for 5 cents, but that's it. There is a certain tolerance level and after that point, everything in 1990 began to fail. So why don't we take advantage of what we have coming in and sitting, waiting for new programs to be devised, which should go back to the motorists and go back to the rail so that we can have real alternatives.

You noticed in Los Angeles the number of people that jumped on the rail after the freeway were destroyed?

Mr. BEILENSON. And you noticed the number who have jumped off it in the last couple of weeks, unfortunately. I wish they had stayed on it.

Mr. BAKER. In the Bay area, we went from 210,000 to something like 270,000 a day and it has held at 250,000. It came back and it stayed back and I think they will also but you only have 4 miles of rail in Los Angeles County.

Mr. BEILENSON. 4.2.

Mr. BAKER. Excuse me. Out of 7 billion miles of freeway.

Mr. BEILENSON. We're eventually going to have 10 or 12 miles.

Mr. BAKER. Apparently, you are not going to co-author my moving $6 billion back to the roads and rails that were stolen from the motorists by these two budget acts?

Mr. BEILENSON. There are two things you notice when you go to Europe, I would say to my friend from California. The first is there are no potholes and the second is that the gas costs about three times as much as it does here. If it cost only about 1.25 times as much as it does here now, that additional money would give you folks all the money you need to build the kinds of roads you need to build.

Mr. BAKER. But they don't have a house until their parents die, their economy is sick, they are overtaxed and they are overregulated. I don't want to follow them, Mr. Beilenson.

Mr. BEILENSON. There's got to be a middle ground somewhere.

Mr. BAKER. I want to get my 6.3 cents back. [Laughter.]

Mr. RAHALL. Did you say you were going to the White House to discuss the budget?

Mr. BEILENSON. I sure would like to go to the White House, Mr. Rahall. [Laughter.]

Mr. RAHALL. The gentleman from South Carolina, Mr. Clyburn.

Mr. CLYBURN. No.

Mr. RAHALL. The gentleman from Missouri, Mr. Emerson.

Mr. EMERSON. No.

Mr. RAHALL. Tony, thank you.

Mr. BEILENSON. Thank you all very much. I appreciate it, sir.

Mr. RAHALL. Our next witness is Mr. Kenneth M. Mead, Director of the Transportation and Telecommunications Issues, Resources, Community and Economic Development Division, U.S. General Accounting Office.

Mr. Mead, we welcome you to the subcommittee. We do have copies of your prepared testimony; you may proceed in whatever manner you desire.

TESTIMONY OF KENNETH M. MEAD, DIRECTOR, TRANSPORTATION AND TELECOMMUNICATIONS ISSUES RESOURCES, COMMUNITY AND ECONOMIC DEVELOPMENT DIVISION, GENERAL ACCOUNTING OFFICE; ACCOMPANIED BY YVONNE PUFAHL AND GARY JONES

Mr. MEAD. Thank you, Mr. Chairman.

Mr. RAHALL. Also for the record, would you identify the individuals with you, please?

Mr. MEAD. Yes. Yvonne Pufahl on my left and Gary Jones on my right. Ms. Jones is the Assistant Director responsible for our surface transportation work.

I should say in reference to the statutory report that Mr. Beilenson referred to, that it will be available in draft for the committee in 2 months. We are required, because it is a statutory mandate, to go to the Department for formal comments, but a draft of the report will be available to the committee when it goes to the Agency for comment in 2 months time. Warranties is a very interesting matter indeed that Mr. Beilenson discussed.

We thank you for the opportunity to discuss the designation of the NHS this morning. This is a very important matter because the NHS should greatly influence the safe and efficient transport of cargo and people for decades to come. Over 40 percent of the vehicle miles traveled will be handled on the NHS along with 70 percent of commercial truck traffic.

I will be covering four issues today: performance expectations for the NHS, States' rationale for adjusting their NHS mileage, NHS linkages to other modes of transportation, and future adjustments to the NHS.

At the outset, I should say that we at GAO think that DOT, State and local officials and the private sector did a very good job. They worked well together to accomplish a formidable task of designing the NHS. We have several enhancements that we believe will strengthen the system. I'd like to turn first to performance expectations.

In his testimony last week before this subcommittee, Secretary Peña listed numerous goals for the NHS: economic development, enhanced mobility, safety, improved air quality to name just a few. Often the goals are complementary to each other. Decreased congestion and improved air quality are an example. Economic development and decreased congestion sometimes compete with each other but regardless, a well-maintained and preserved system ought to form the foundation for meeting all goals because without it, system enhancements may not be realized.

Specific expectations for what the NHS designation will actually mean, especially in the areas of maintenance, pavement condition and bridge deficiencies, have not been established. A focus is needed on what level of performance is expected in these areas. This will help set priorities and guide investment choices when it comes to deciding between maintenance and preservation, on the one hand, and some other project on the other.

Expectations might relate to pavement condition. Pavement condition improved throughout the 1980s and continues to do so, but FHWA data shows that at present, only 46 percent of the pavement is considered in good condition for major urban components of the NHS. For rural interstates, 61 percent of the road is considered in good condition. Are those conditions considered acceptable or do we wish to have better conditions? We cannot answer that question with any certainty today because there are no expectations for pavement condition. Without established expectations, it will be difficult to set priorities for the NHS or to decide whether the system is performing the way we want.

The second point relates to NHS mileage allocations. We chose a sample of 10 States that account for about 30 percent of NHS mileage and asked them, among other things, what assumptions they used in requesting mileage allocations. All 10 requested adjustments to the miles originally allocated to them by DOT. Six of the ten assumed that more NHS miles will translate into more Federal funding in the future, and that generally led them to request more miles. DOT, however, has stressed their intent not to link NHS designation with funding. The remaining four States—California, Oregon, Montana and Florida—assumed that there will not be a correlation between the amount of Federal funds and NHS mileage. Two of the four States—California and Florida—requested and received less miles than they had initially been allocated, while the remaining two—Oregon and Montana—requested more miles than they had been allocated.

The third point relates to NHS linkages to other modes. One of the major purposes of the NHS is to select other major transportation facilities like ports and airports and designate roads on the NHS that provide access to those facilities. This is not expected to be done until 1997. Symbols for those facilities are on the map provided to you last week, but the purpose of the symbols is essentially to illustrate possible connections and DOT emphasizes that they do not reflect actual or proposed connections to other transportation facilities.

As an example, NHS road access to the 321 AMTRAK stations shown on the map has not been identified. One problem DOT acknowledges is that what constitutes appropriate access to a modal facility still has to be defined. What does that mean? Does appropriate access mean the facility is on an NHS road or 20 miles from it? Intercity bus terminals are not shown on the map; they were inadvertently left off.

DOT has requested the Congress to provide it up to 2 additional years after NHS approval to develop the criteria to identify these facilities and determine appropriate access. When those connections are identified, the NHS mileage associated with them will be

debited from the 6,000 additional miles that were requested of you last week.

Our final point relates to changes to the NHS once the Congress approves the system. Changing demographic, economic and other patterns will require adjustments to the NHS, and DOT has proposed that it be given the flexibility to expand from 159,000 to 165,000 miles. It is not clear to us though, at this point, how those additional miles would be allocated or what rationale would serve as the basis for adjustment.

We raise this point now, in part, because as the number of miles available for designation becomes fewer, the competition between the States for those miles may become more intense. Having a framework in place beforehand for deciding how to allocate those miles could avoid confusion, complaints and hard feelings later on.

In summary, Mr. Chairman, the proposed NHS reflects very well on the diligent and cooperative efforts of the transportation community and the leadership of DOT. We are making several recommendations that we believe will further refine the NHS. The first is development of performance expectations, particularly in the areas of pavement condition and bridge deficiencies. We feel that will help guide investment decisions and set priorities. Second, DOT needs to establish a framework within which future changes to the NHS can be considered. Finally, since the intermodal connections and the mileage associated with them will be decided upon later, congressional buy-in to that process could take the form of conditional approval of the NHS now with final approval occurring later when Congress receives the allocations for the additional 6,000 miles.

Thank you. We will be glad to respond to any questions, Mr. Chairman.

Mr. RAHALL. Thank you, Mr. Mead.

You mentioned the establishment of criteria to decide what constitutes a major intermodal facility, and you state that appropriate access to such facilities remains an elusive goal for FHWA. Because of this situation, you note that if Congress proceeds to designate the NHS at this time, it would not have the opportunity to evaluate the results of FHWA's proposed administrative process to complete the identification of intermodal connectors in consultation with the States. What do you see as being the potential downfall of this situation?

Mr. MEAD. As you get closer to the bottom of the well on the number of miles available, I think there will be greater interest by the different States in getting the miles. The competition for those miles will become more intense. I think there is a potential here for hard feelings and complaints if we don't set the criteria in the very near term and if Congress is not aware of it.

Ms. PUFAHL. I also think that one of the down sides is the fact that the basic purpose of the NHS is to establish the connections with the other modes of transportation, and that Congress would want to see as full an NHS picture as they could. That may mean revisiting it later to see the actual connections that were established to fulfill its purpose.

Mr. RAHALL. As an alternative to congressional designation in the absence of complete identification of all the major intermodal

facilities and connector routes, GAO suggests that Congress could conditionally approve the NHS, with final approval subject to later approval of any additional intermodal connector routes identified by the federal highways. Could you elaborate on this concept?

Mr. MEAD. Yes. You could approve it now with the understanding that the additional 6,000 miles or fewer miles, if that is what they recommend, be submitted to Congress for its approval. That could occur within the two-year time frame that DOT suggested last week.

Mr. RAHALL. You noted that in the DOT proposal, the only governing framework for NHS size adjustments is basically for the States to ask and for DOT to approve requests. I share your view that this proposal could be improved. Do you have any specific thoughts other than what was mentioned in your recommendations?

Ms. PUFAHL. I think one specific recommendation that we would make is on the timing. I think right now it is very unclear whether future changes would be linked to a certain time frame, such as 3 to 5 years; would it be every time a State wants to make a change, they would come in and have a conversation with FHWA; or would it be based on future State transportation plans? I think that is one point of clarification we would certainly recommend.

Mr. MEAD. The one other area I would suggest be put in the legislation would be a directive to DOT that over a period of time they establish the type of justification expected for future size adjustments.

Mr. RAHALL. As you know, we are not contemplating changing any of the apportionment formulas in ISTEA, but I know that the expectations of some of the States from which we have heard are that the NHS mileage may be at some point in the future the basis for apportionment of NHS funds. You also spent some time discussing pavement conditions. Do you believe that either of these items—NHS mileage or NHS pavement condition—should be considered in the future as a means for the apportionment of NHS funds?

Mr. MEAD. Mr. Chairman, GAO was directed by the Congress in ISTEA to examine options for a new formula. Our work is progressing on that. At the present time, we can say that most of the money goes out for highway care programs based on funds each State received historically plus equity adjustment factors. I believe the bottom line answer to your question is a policy judgment for the Congress. Do you want NHS mileage to have a material bearing on the amount of money a State gets? We can offer you options for doing that, but ultimately, the decision is one for the Congress.

Mr. RAHALL. We have not requested any such study of options at this time, is that correct?

Mr. MEAD. Actually, Mr. Chairman, the Intermodel Surface Transportation Efficiency Act directs GAO to come up with a formula and in discussions with the committee staff, we thought that it would be almost presumptuous for GAO to come up with one formula. Our planned work is directed towards development of alternative possibilities for the Congress and a statement of the various pros and cons of different approaches. That way, the Congress could make the judgment.

Mr. RAHALL. Thank you, Mr. Mead.

The gentleman from Wisconsin.

Mr. PETRI. I have a follow-up question on the discussion we've been having on performance standards and how they should work.

I have been troubled for years, and I know others in my State have been troubled too, with the way standards work in practice, a little bit like real estate assessments on property. If you don't maintain your property, you pay lower taxes than if you invest in it and bring it up to snuff. People see you improving your property and then your taxes go up too, so there is some kind of disincentive to maintain appropriate standards. Sometimes in our formulas or now we distribute monies for bridge maintenance or for other infrastructure needs, more money goes to areas that supposedly have greater need, but maybe they have received more money in the past. It's just that they are not using it as effectively or they are diverting it or are not effectively maintaining their property and the result is they get additional federal funds and the ones that do an effective job get socked.

I'm all for having some kind of performance standards, but isn't there some way we can do it so that if people meet the standards, they get bonuses and if they fail to meet the standards, they get cut rather than the other way around? Otherwise, all you do is set up some system which gives people an incentive to not meet the standards.

Mr. MEAD. Yes, sir. There has been that concern raised with the CMAQ Program which is the Congestion Mitigation and Air Quality Improvement Program, that once a state reaches its clean air standards, the state will lose money. There is an interest, of course, in meeting air quality standards, but once those goals are achieved, the result would, in effect, be a penalty, loss of money.

Mr. PETRI. We're having the same problem in the Clean Water Program on how we go ahead and distribute funds to meet further needs, particularly nonpoint needs, if some other States haven't met their source pollution solution problems.

Mr. MEAD. We would be interested in talking with you further about the concept of the incentives.

Mr. PETRI. It is important because we have to be realistic. At the end of the day, a lot of States are looking at what they get out of these different Federal programs and the incentive structure is very, very important. Sometimes there is a law of unintended consequences that goes into effect if we don't intelligently construct that incentive structure. We just do it in sort of a single-minded way, people figure out how to game the system—on the margin, I'm not saying it drives the whole system.

I have one other question. You indicate there were 10 States that you studied. Could you say how they were chosen or if you feel that they were representative of all 50 States in their reaction to the National Highway System mileage problem and other aspects of your survey?

Ms. PUFAHL. We took a sample of States that wanted to adjust their mileage by different degrees. By mileage, I'm referring to the target allocation from FHWA. We wanted some States that had opted to have less miles than were targeted to them initially by FHWA, some States that came in close to the target and some that

asked for considerably more miles. That was essentially the basis of our selection.

Mr. MEAD. They represent 30 percent of the mileage on the NHS. We can't say that they are necessarily representative of the other 40 States.

Mr. RAHALL. The gentleman from California, Mr. Kim?

Mr. KIM. Thank you, Mr. Chairman.

I do have a couple of questions for you, Mr. Mead. To extend upon the ranking member's question, I understand you have selected 10 States that represent about 30 percent of the entire NHS system. Interestingly, 8 of them say they want additional NHS system mileage and two say no, they want less NHS mileage. First of all, how did you select the particular 10 States. The second question is, I understand DOT chose not to link the NHS designation with funding. Is that your intent, to mandate local government to come up with the money to finish the NHS construction?

My third question is, I understand there is roughly 159,000 miles in the NHS system. How much will it cost to finish this project, $1 billion, $500 billion? Do you have any idea how much?

Mr. MEAD. Let me take the last question first. It is not known how much it will cost. We do know that roughly 98 percent of the construction is complete, the roads are already there. One of the purposes of our recommendation that performance expectations be established is that way we would have a base for beginning to calculate what it would take to get to that particular level of expectation within a given period of time.

Would you like to address the State selection?

Mr. KIM. Do you have any idea?

Mr. MEAD. I can say that the annualized cost to improve the overall federal-aid highway system is estimated by FHWA at somewhere in the neighborhood of about $60 billion.

Mr. KIM. $60 billion? That is way under the original ISTEA designation which is about $150 billion. Why can't you fund the entire NHS system by the Federal Government under the ISTEA Program?

Ms. PUFAHL. He is referring to needs on an annualized basis.

Mr. KIM. Annualized how many years?

Ms. PUFAHL. FHWA prepares their estimates over a 20-year span, so the $60 billion figure is for one year.

Mr. KIM. I understand ISTEA appropriated roughly $27 billion a year. Doesn't that leave us about $30 billion short of funding this project completely?

Ms. PUFAHL. Not quite because those needs represent contributions from all levels of Government. I think the capital outlay annually is about $26 billion right now.

Mr. KIM. Thank you. How about my next question?

Ms. PUFAHL. We selected three States that chose to come in with fewer NHS miles than were originally targeted; four States that came in with a 1 percent to 15 percent increase; and then the remaining three States came in over 15 percent of their targeted miles. That was what was approved for them by FHWA. So, our selection was based on getting diversity in the adjustments made by States.

Mr. MEAD. There is an attachment at the end of my testimony that lists for all 50 States the difference between what they were originally allocated by FHWA and what was later approved for them by FHWA.

Mr. KIM. My second question was, the FHWA designates the NHS system, yet they are not going to fund it. How do you expect to complete the project; do you expect local government to fund it?

Mr. MEAD. The State and local governments already contribute a substantial part of the maintenance and preservation of the system.

Mr. KIM. My question is, once the NHS system is defined, do you intend to mandate the local agencies to complete this project within a certain period of time or is it just for planning purposes that you set it up?

Ms. PUFAHL. I think that what we are looking at is a system that is very different from the interstate. We are not looking at large construction because 98 percent of the system has already been constructed. Only 2 percent is probably going to represent additional miles. What the cost is ultimately going to be to the local government I think partially has to consider what are we trying to achieve through this system.

Mr. KIM. You just told me it is going to cost $60 billion a year, for twenty years. My question to you is how are you going to accomplish this NHS system with such a shortfall, $60 billion when the entire ISTEA annual funding is only $26 billion. There is a $34 billion shortfall. How do we finance this?

Ms. PUFAHL. That is looking at total needs for all of the Federal aid highway system, not just the NHS. It was also looking at improving conditions, not maintaining the status quo. In fact, you are correct, there is a gap there.

Mr. MEAD. I think you are raising an important issue and it is the underpinning of the lack of performance expectations at the present time. Beyond being designated and called an NHS road, it is not clear what the consequences of that designation will be in terms of what level of maintenance you want. It would probably be unreasonable to say that we wanted 100 percent of our roads in good condition. That would be extremely costly, particularly when we read about 60 percent being in good condition now on the rural interstate. So you may choose to set a standard, such as 80 percent of rural interstates in good condition, and then do the necessary calculations of what it would cost to get there, and what the relative State and Federal share ought to be.

Mr. KIM. Once the NHS system is completed, I'm concerned about if the Fed comes in and mandates the local government to complete these projects without any further funding. That's the message I got. That is my concern.

Ms. JONES. That wasn't the intent of our message. I think one thing to point out again is that the National Highway System is already 98 percent complete, the roads are already in place. So what we are looking at is preserving those roads that are in place. The funding share, in terms of NHS projects, would generally be 80 percent Federal funds and 20 percent State funds. So, yes, we are asking for a State contribution and that is the way the funding

is set up, but it is generally 80 percent Federal funding for NHS projects.

Mr. KIM. All the NHS system will have 80 percent funding, is that right?

Ms. JONES. Yes, sir, the present Federal funding is at least 80 percent.

Mr. KIM. Thank you.

Mr. RAHALL. The gentleman from New Jersey, Mr. Menendez.

Mr. MENENDEZ. Thank you, Mr. Chairman.

I want to thank Mr. Mead for his testimony. I want to highlight one of my concerns that he has raised and that is the question of accomplishing what I also believe is one of the major goals of NHS which is creating these connections to our major transportation centers; our ports in this Nation through which 95 percent of our commerce flows, our airports, and in that respect, I was concerned as I read his written testimony at page 12 where he cites that "Neither the FHWA nor the Federal Railroad Administration could identify the NHS road access provided to the 321 AMTRAK stations on the map or, for that fact, to be able to determine with any detail, the 319 public transit systems that are on the map."

In that respect, as we attempt, through ISTEA, to live up to our transit plan, the seamless web that we want to accomplish, I am concerned that when pouring such great resources into our transit systems, our airports, trying to revive our seaports, that in fact we do not see roadblocks placed to what we hope will be highways of opportunity.

I would hope, through your leadership, Mr. Chairman, that we will have some opportunity to have not only oversight but some review mechanism so that in fact, if we are going to pass this and have a subsequent submission as to what are the access connections to our major ports, rail, air, transit systems, that we will have some review. I think that is essential for us.

If I may, Mr. Chairman, I am not going to be able to stay for the entire hearing but I do have someone here from New Jersey who will be testifying. I just want to briefly recognize Jim Arena who has been before the committee before and has done an outstanding job as the Director of the New Jersey Division of Highway Traffic Safety and whose work has been recognized by his colleagues as the Chair of the National Association of Governors' Highway Safety Representatives. I want to welcome him to the committee.

I have seen your testimony, Jim, and I'm sure the committee, as always, is going to be enlightened by your views.

Thank you, Mr. Chairman.

Mr. RAHALL. Thank you, Mr. Menendez.

The gentlelady from Texas, Ms. Johnson.

Ms. JOHNSON. Thank you, Mr. Chairman.

Let me say good morning to those who are here.

I am from Texas where we have lots of highways. As a matter of fact, we spend a lot more money than we get back. I want to ask you if the GAO does any review of State plans where you ask any questions as to its rationale or do you just leave it up to the States to come in with their plans without any review?

Ms. PUFAHL. We have looked at the overall planning process but it has always been very much a State program and FHWA has also

taken that position, that the selection of projects is a State matter. I believe that there are tools out there that will be leading to project selection improvements over time.

Ms. JOHNSON. I hope to be one of those tools because I am from an area where we frequently get neglected. Being from a very large State and being a minority within that State, concentrated in many times large urban areas, we see certain areas getting a lot more favor than others and it stifles development and what have you. I just wanted to know how best to impact that.

Mr. MEAD. I would say that the ISTEA legislation established some fairly elaborate planning mechanisms for the first time that apply both at the State and the metropolitan area levels. Although those are of fairly recent vintage, we will be taking a look over time and will stop by and speak to your staff so we can factor in your interest as well.

Ms. JOHNSON. Thank you very much.

Mr. RAHALL. The gentleman from Georgia, Mr. Collins.

Mr. COLLINS. No.

Mr. RAHALL. The gentleman from Illinois.

[No response.]

The gentleman from California, Mr. Tucker.

Mr. TUCKER. Thank you very much and good morning, Mr. Chairman and the distinguished members of the subcommittee.

I would like to thank you, Mr. Chairman, for proceeding with the national highway system in such an efficient manner with these hearings. Last Thursday's hearings were extremely informative with Secretary Peña and, of course, Federal Highway Administrator, Rodney Slater. It was extremely thought provoking and I am glad to see that we are moving with all alacrity to follow up on a very good beginning. Obviously, this is important as it relates to a system that will be the national link for the continental United States.

Mr. Chairman, if some members heretofore did not realize the need for this system, certainly the testimony last week by Secretary Peña showed us why this national highway system is so vital and so important.

I would like to welcome not only my colleague, Mr. Beilenson, and his testimony but certainly the testimony from all these distinguished panelists. We look forward to hearing what they have to contribute to this very important work.

Thank you, Mr. Chairman.

Mr. RAHALL. Thank you, Mr. Tucker.

Mr. Mead, we thank you for your testimony this morning.

Our next witness is Lieutenant General Kenneth R. Wykle, Deputy Commander in Chief, U.S. Transportation Command, Department of Defense.

Noteworthy of recognition is the fact that you were born in West Virginia and that you attended ROTC at West Virginia University.

General WYKLE. I did.

Mr. RAHALL. We welcome you to the subcommittee this morning, General Wykle.

TESTIMONY OF LT. GEN. KENNETH R. WYKLE, DEPUTY COMMANDER IN CHIEF, U.S. TRANSPORTATION COMMAND, DEPARTMENT OF DEFENSE

General WYKLE. Mr. Chairman, members of the committee, thank you for the opportunity to appear before you today to discuss the Department of Defense's interest in the National Highway System.

I have provided the committee with a written statement and ask that it be included in the record.

Mr. RAHALL. Yes, it will be.

General WYKLE. I am pleased to represent the Department of Defense and the men and women of the United States Transportation Command. The Defense Transportation System is a cornerstone of America's national security strategy of force projection. The United States Transportation Command and our components, the Air Mobility Command, the Military Traffic Management Command, and the Military Sealift Command, provide the principal air, land and sea capability of the Nation's strategic mobility forces in peace and in war.

I would like to take a moment to emphasize the word "system" because defense transportation capability is not based solely on the military transportation assets owned and maintained by the Department of Defense. Our organic assets—fast sealift ships and ready reserve force vessels, strategic airlift and our heavy lift rail cars—provide unique military capabilities. However, we look first to the commercial sector to provide our transportation needs. A healthy defense transportation system requires a combination of military and commercial assets. All segments of the total system must be in balance.

As the lead organization responsible for providing air, land and sea transportation for the Department of Defense, we are working with Government and industry to carry out that mission. The Department of Defense supports the concept of a National Highway System as an integral part of the total Defense Transportation System. It is the Nation's road system which connects our military installations and other defense facilities with the global, intermodal transportation system.

It is common to overlook the role that highways play in strategic mobility. During our deployment to Southwest Asia and Desert Shield and Somalia and Restore Hope, most of the media attention focused on sealift ships and aircraft. In Desert Shield/Desert Storm, 85 percent of the dry cargo was deployed by sea and 15 percent moved by air. However, virtually all of this cargo had to first be moved to air and sea ports by rail or road. In other words, the national highway system is a very important element of the Defense Transportation System.

Even before Desert Storm, changing political conditions here and abroad were causing DOD to rethink our national military strategy. Since the end of the Cold War, the number and proportion of military units formerly deployed in Europe and other locations outside the United States has declined. Our military is becoming smaller and primarily based in the United States.

The national strategy now relies on force projection and a forward presence. This strategy requires the capability to project mili-

tary forces rapidly from the United States to wherever they are required in the world. Critical to this new strategy is the ability to rapidly move forces from their bases to United States air and seaports.

While we had approximately 6 months to deploy troops and equipment during Desert Shield, we recognize we cannot depend on this luxury in the future. Our requirement is to ensure the deployment of the full Army Corps and its support, up to 8,700 miles in a very compressed time frame. This alone would be a Herculean task, yet we must also be able to simultaneously transport the Navy, the Marines and the Air Force, their combat and support units over similar distances.

As you are aware, ISTEA required the proposed National Highway System include the Strategic Highway Corridor Network or STRAHNET and important connectors between the STRAHNET, military installations and ports. These routes represent the portion of the public highways we need to support defense highway movement requirements.

Utilizing a geographic information system, DOD highway engineers identified STRAHNET routes by routing DOD peacetime and wartime traffic over a digitized highway network. After our initial analysis, we worked closely with the military installations, the Federal Highway Administration, and the States to identify optimum STRAHNET and connector routes. Routes submitted for STRAHNET and connectors by DOT in the National Highway System submittal reflect these extensive coordination efforts.

The present National Highway System includes, in round numbers, about 60,000 miles of STRAHNET routes; less than 16,000 miles are non-interstate. In addition, there are approximately 2,000 miles of connectors in the proposed National Highway System. Overall, non-interstate STRAHNET routes and connectors account for slightly less than 10 percent of the National Highway System mileage.

Another key aspect of the National Highway System is building flexibility into the system to accommodate future needs. Periodically, a military unit's installation or mission will change, causing us to review the unit's transportation requirements. Good examples of this are the changes associated with the continuing base realignment and closure or BRAC actions. These actions could force minor revisions to STRAHNET or connector routes, requiring coordination with the States and Federal Highway Administration. Accordingly, the National Highway System should be sufficiently flexible to adapt to both defense needs and the long-term economic conditions throughout the Nation.

In summary, a healthy, viable highway system is imperative to this Nation's defense, as well as to interstate commerce. The National Highway System provides the vehicle for focusing Federal emphasis and oversight on those routes most important to interstate and international commerce, major connections with other modes of travel and national defense. The importance of the National Highway System to the Department cannot be overstated.

Like the decisions in the 1950s of the Interstate Network, approval of the National Highway System as well as future decisions on the total national transportation system is an opportunity to

guarantee our transportation infrastructure can support the Nation's economic and defense requirements into the 21st Century.

Thank you for the opportunity to present our views. I will be happy to answer any questions.

Mr. RAHALL. Thank you very much, General Wykle.

Let me ask you about one part of your testimony in which you discuss development of an intermodal installation program. You state "We plan to identify a major military facility to develop as a prototype for intermodal operations." Could you expand on that just a bit?

General WYKLE. Yes. What we have in mind is to work with the service departments, local governments and State governments and identify a military installation where we can perhaps pool our resources—i.e., municipal funds, State funds, and Federal funds—and improve an installation that can be used as an example by other military installations on how to construct an intermodal facility, perhaps a joint use facility constructed along the parameter of a military installation where during day-to-day, normal peacetime operations, it would be primarily used by the local government. In the event of a contingency or mobilization, we would have access to it to rapidly outload and deploy our forces. So it is a joint effort between the military, DOD, local and State governments to build a prototype, if you will, to be used as a model by other States or other military installations.

Mr. RAHALL. Where is this prototype going to be located?

General WYKLE. We have not identified a site yet. We are working with the services, getting input from them on a recommendation. We are trying to get a recommendation from each of the services as to what they would propose and then from that, we will work to select and make a recommendation.

Mr. RAHALL. You discussed the STRAHNET system of highways and their importance to our Nation's defense in your testimony, and gave strong backing for their inclusion in the National Highway System, but as they say, the proof is in the pudding. Have you some type of command or oversight of the STRAHNET system of highways to ensure that States are dedicating adequate funds to ensure their upkeep and proper condition?

General WYKLE. We do have oversight and we have a system that we use to identify these nets. So it includes the approximately 45,000 that is in the interstate system. We have identified about another 16,000 miles of significant corridors, plus about 2,000 miles of connectors from the installations to these corridors and the interstate net. So we have identified the road network, we do monitor that and we can make adjustments as the situation changes, i.e., the mission changes or the unit relocates.

We are not directly involved in the funding of that. That is why, for us, it is so essential that the National Highway System be supported and approved because embedded in that system, the 159,000 miles that Secretary Pena testified about last week, is the 60,000 STRAHNET miles. So it is important to have that approved, the 159,000. We are a subset of that and then that provides the focus for the States to know which roads are most critical to the national defense and as the funds are allocated, then they make a judgment based upon their priorities as to how to spend the dollars. We do

not directly influence the expenditure of those dollars, the States determine that.

Mr. RAHALL. I understand that. So was there close consultation between DOD and the Secretary of Transportation in the development of the NHS to ensure the STRAHNET system was on that system?

General WYKLE. Absolutely. There was very close coordination between the Department of Defense, the Secretary of Transportation's office, DOT, as well as the State governments and the municipal planning offices within the States. So it was a coordinated effort between all these activities to ensure that we identified the correct nets and we did this in coordination with the States and considered their desires for certain roads to be included. The Federal Highway Administration made the final decision.

As I think you heard earlier today, the cooperation was very good and there were no real roadblocks to that.

Mr. RAHALL. So you anticipate that to continue as we develop the National Highway System, so that in the future you would be involved with State decisions when they make those decisions as far as the dedication of funds?

General WYKLE. Yes, sir. We have very good relationships with all the 50 State offices.

Mr. RAHALL. Let me ask you now about the coordination with STRAHNET routes and connectors in the NHS, especially as it relates to base alignments, closures and downsizing of defense installations.

You have indicated that a flexible NHS should be able to accommodate any of those future revisions. As you are no doubt aware, not all the connectors to major intermodal facilities are reflected in the NHS and that is why the FHWA is initiating an administrative process by which it will work with the States to further identify additional intermodal facility connector routes for inclusion in the NHS in the future. Are there any plans for the Transportation Command to be consulted when the identification of these intermodal facilities takes place?

General WYKLE. The answer to that is yes. On the military side, we knew, of course, there was a cap in terms of the number of miles permitted under the National Highway System, so we went through and prioritized our installations, priorities one, two and three. Priority one is the highest priority for those units that have to deploy very rapidly and early in the deployment sequence. Priority two are those installations that provide support and sustainment, our ammunition plants, our ammunition depots. Priority three are those installations that do not contribute directly to the mobilization and deployment—training facilities, schools and things like that. So we had to limit the mileage only to our priority one and two installations. We only included those connectors in the National Highway System.

As the system is fleshed out and the local communities and States determine what the connectors will be to the airports, seaports and the major truck terminals and rail terminals, we will participate in that and in the identification of those with the local and State governments to ensure that they are consistent with our needs.

Mr. RAHALL. Very good. Thank you.

The gentleman from Wisconsin.

Mr. PETRI. Thank you for your testimony.

I just had one question. I don't know if you would know the answer to it or not. Will the Defense Department expend funds to improve National Highway System routes, the changes that have to be made or can that be done now?

General WYKLE. The Defense Department would not normally spend defense dollars on the National Highway System. First of all, the majority of the routes that we use are primarily arterial and should be included in the National Highway System anyway because the majority of it is interstate as an example. Second, these roads are used in interstate commerce on an almost daily basis, so our use is a very small portion of the overall use. Third, the majority of the time the material moves by commercial transportation means and so the commercial companies are providing revenue through the current system for the maintenance of these roads.

It is our position that DOD should not be involved now or in the future in the maintenance or construction of public roads.

Mr. RAHALL. The gentleman from California, Mr. Tucker?

Mr. TUCKER. My understanding is you are saying you don't believe that DOD should be involved in the maintenance and construction of the roads but there is a very integral part that you need to play and should play as it relates to overall coordination of the National Highway System. Is that basically your testimony?

General WYKLE. Yes, that is correct. We should not be involved in the funding of public highways. That is built for the public interest and the transportation companies that support the Government are primarily private companies and they contribute through their own means. We do want to be involved in the coordination aspect because we need to use those roads in a national contingency for the support of our national security. So it is important to us they be of the correct width, that the bridge classifications be appropriate, that we have sufficient clearance in the underpasses and so forth. We do not want to be involved in the actual funding of those.

Mr. TUCKER. Nothing further.

Mr. RAHALL. The gentlelady from Texas, Ms. Johnson.

Ms. JOHNSON. Mr. Chairman, it would only be facetious. Thank you, I won't.

Mr. RAHALL. The gentlelady from Washington, Ms. Cantwell.

Ms. CANTWELL. No.

Mr. RAHALL. Did the gentleman from Illinois have any questions, Mr. Poshard.

Mr. POSHARD. No.

Mr. RAHALL. General Wykle, thank you very much for being with us today.

General WYKLE. Thank you very much. It has been an honor to testify before a fellow West Virginian.

Mr. RAHALL. The subcommittee will now hear from a distinguished panel consisting of Mr. Howard Yerasalim, Secretary, Pennsylvania Department of Transportation; Mr. G.M. "Mack" Roberts, Secretary, Alabama Department of Transportation; Mr. Allan L. Abbott, Director of Highways, Nebraska; Mr. Don Diller, Director, Wyoming Department of Transportation; the very distin-

guished Mr. Charles Miller, the leader of our West Virginia Department of Transportation and Secretary from my home State of West Virginia; Mr. Clyde Pyers, Director, Maryland Department of Transportation. This panel will be testifying on behalf of the American Association of State Highway and Transportation Officials known as AASHTO.

It is indeed my honor to welcome another West Virginian to the subcommittee this morning, our Secretary of Transportation of West Virginia, Charlie Miller. Charlie, welcome.

Mr. MILLER. Thank you, sir.

Mr. RAHALL. Gentlemen, we have all your prepared testimonies and they will be made a part of the record. You may proceed in whatever order and manner you desire. Let me state before you proceed that the Chair is going to ask if the gentleman from Illinois, Mr. Poshard, would sit in the chair temporarily. We are trying to decide whether there is going to be a bill on the floor that I am supposed to manage. If that bill is on the floor right at noon, then I will have to excuse myself to go over and manage the seismic bridge retrofit legislation. Pending that, we will go ahead with the panel.

Howard, do you want to start?

TESTIMONY OF HOWARD YERASALIM, SECRETARY OF TRANSPORTATION, COMMONWEALTH OF PENNSYLVANIA, PRESIDENT, AMERICAN ASSOCIATION OF STATE HIGHWAY AND TRANSPORTATION OFFICIALS; G.M. "MACK" ROBERTS, DIRECTOR, ALABAMA DEPARTMENT OF TRANSPORTATION, PRESIDENT, SOUTHEASTERN ASSOCIATION OF STATE HIGHWAY AND TRANSPORTATION OFFICIALS; ALLAN ABBOTT, DIRECTOR-STATE ENGINEER, NEBRASKA DEPARTMENT OF ROADS, PRESIDENT, MISSISSIPPI VALLEY CONFERENCE OF STATE HIGHWAY OFFICIALS, AMERICAN ASSOCIATION OF STATE HIGHWAY AND TRANSPORTATION OFFICIALS; DON DILLER, DIRECTOR, WYOMING DEPARTMENT OF TRANSPORTATION, PRESIDENT, WESTERN ASSOCIATION OF STATE HIGHWAY AND TRANSPORTATION OFFICIALS; CHARLES MILLER, DIRECTOR AND SECRETARY, WEST VIRGINIA DEPARTMENT OF TRANSPORTATION

Mr. YERASALIM. Thank you very much, Mr. Chairman. It's a pleasure to be with you again. Ranking Minority Member Petri, it's a pleasure to be with you this morning.

I am Howard Yerasalim, Secretary of the Pennsylvania Department of Transportation and also President of the American Association of State Highway and Transportation Officials. As the Chairman has indicated, I have Mr. Roberts with me from Alabama who is also President of the Southeastern Association of State Highway and Transportation Officials; Allan Abbott from Nebraska who is the Mississippi Valley President; Don Diller from Wyoming who is the President of the Western Association; Charlie Miller who you have already mentioned from your own State of West Virginia; and Clyde Pyers who chaired our Subcommittee on the National Highway System who is here to respond to questions.

In addition to the National Highway System, I do have some comments on some other issues as do the other members of our

panel. These include various issues including the implications of ISTEA, flexible funding, the planning regulations, the management system regulations that are required, the funding of ISTEA, a recommendation for full funding, the Clean Air Act amendments impact, sanctions and metrication as it has to do with signing.

I will not read my testimony as you already have it and I will confine my remarks to somewhere between 8 and 10 minutes total. We will be available to answer questions later.

Let me start with the National Highway System. AASHTO has a resolution, which is contained in our policy book which I think has been given to you. In that policy book, it says, the National Highway System is "a key component of that intermodal transportation system." We believe that the National Highway System is key to the economy of this Nation. We also strongly believe that States should have overall responsibility for the National Highway System designation. Through planning regulations and working with our metropolitan planning organizations and citizens groups we certainly do have the input of those groups.

States have the big picture and we think that it is very important if we are going to have a connected system throughout this country that the States have the overall responsibility, working with these other organizations for that National Highway System.

While I admire, respect and consider many members of the environmental community in fact, all that I know, to be my friends and working partners, I don't agree with everything they recommend and I will mention the Surface Transportation Policy Project as an individual group that you may or may not be hearing from.

First of all, let me praise the Surface Transportation Policy Project for coming out in favor of the National Highway System. I think that is a major plus and we appreciate that. I don't agree with their recommendation of suballocating funds; I think that could result in a fragmented system and we would not have a true national highway system that is so important to this country.

I don't agree with restricting new construction. While there are very few new roads to be built under the National Highway System, about 2 percent of the overall National Highway System is meant to be new roads, I don't believe the funds should be restricted to rehabilitation only. I think that is an issue that the States, working with the metropolitan planning organizations, need to decide.

I believe in the flexibility that is allowed by the National Highway System but I also believe that the National Highway System should not be set in concrete to say a specific number of miles at this point in time. There should be a mechanism for modifications in future years as they are needed, for example there may be modifications needed to implement NAFTA in future years.

My personal feeling is that if there is no National Highway System, there will be no National Highway Program, and I think that would really be a travesty for this country.

With respect to the National Transportation System, AASHTO does support Secretary Peña's concept that the National Highway System is the center, the focal point, the backbone of a national transportation system. In fact, in November of 1993, before Secretary Peña even made his recommendation, AASHTO did pass a

resolution that said if there should be a national transportation system, the member AASHTO States would want to be a part of the development of that national transportation system.

I would also like to make it clear to members of Congress that we feel that way and we feel we should be key players if there is, in fact, a national transportation system.

Let me turn to some of the other issues that I wish to talk about today. I believe ISTEA is working but there are many changes that ISTEA causes and we are still learning about those changes and how to work within the constraints of ISTEA. We do have some concerns with ISTEA.

First of all, the regulations for planning and management systems are overly burdensome. We have the same concerns that have been raised by the Office of Management and Budget with respect to management systems and the amount of data that has to be prepared. Also, the enhancement process is almost ironic. In Pennsylvania, we turned over the enhancement money to the environmental groups. Those same environmental groups have insisted upon having environmental constraints as you develop a highway or transit project—which is the right thing, we want to be sure we are doing the right thing. Now they are very concerned that we have turned the money over to them and they picked the projects, but because of those same environmental constraints, they can't deliver the enhancement projects. That is kind of ironic.

I would recommend that there be some kind of a block grant or set aside that we don't have such onerous environmental requirements for the enhancement program so we can see if the enhancements really do work.

With respect to flexible provisions, I believe that should be a State and metropolitan planning organization decision. I don't believe States should be evaluated one against the other with respect to how much money they flex; I think that has to be a State decision as to what is best for the individual State. Certainly the conditions in New York State or California are different from the conditions in West Virginia or Wyoming. So it has to be an individual, State-by-State decision.

I have some concerns with the congestion mitigation and air quality requirements. One of the concerns that I have—I'll talk from Pennsylvania perspective since this is not an official AASHTO position—is that we have areas we have identified that are now requested to be redesignated as attainment. We have key projects that will keep them in attainment. Under current law, if that request for redesignation is approved by EPA before those projects get started, they will not be eligible for the air quality funds.

One example would be a busway in Pittsburgh which is about a $293 million project and it is very key to the air quality initiative in the Pittsburgh area. It will keep Pittsburgh in attainment. We are just fighting the time clock hoping we can start our project before EPA responds to our request to designate Pittsburgh as an attainment area.

Crumb rubber is also a major issue but I'm not going to speak about that because we have the resident expert in this country I believe right to my left, your own Charlie Miller. I'm going to let Charlie Miller lead the discussion with respect to crumb rubber.

In summary, ISTEA is working well and it should be allowed to continue. If there are any major changes, I think they should await the next time we have a reauthorization of surface transportation legislation. Full funding of ISTEA is a concern. We realize that is an Appropriations Committee issue, perhaps not an authorizing committee issue, but it is very, very important to us. The appropriations have not met the ISTEA authorization levels and this has caused us problems in both the highway and the transit areas.

Let me just give you some examples. There is a Status of the Nation's Highways and Bridges and Transit Systems Conditions and Performance Report that was submitted to Congress in January 1994. It said, on the highway side, the annual capital cost to maintain the condition and performance as they are today—I'd like for them to be a lot better—would take about $52 billion a year. The annualized cost to improve the conditions and performance would cost closer to $70 billion a year. That is included on the last two pages of my testimony. There are some charts that show that.

If $20.4 billion is in fact authorized, full funding of ISTEA on the highway side, and I consider full funding of ISTEA to be full funding of ISTEA. That means that we do have congressional initiatives and we do have projects that are under the normal distribution formulas. Full funding means full funding of congressional initiatives as well as full funding of the ISTEA programs.

Even if that is fully funded, we found that about 41 percent of the highway investment comes from the Federal Government. If you get the $20.4 billion and it is actually appropriated, that would relate to about a $50 billion total investment in the highway program which would come very close to what is needed to maintain the conditions and performance as they are today. It would not meet the requirements for improving the system.

With respect to transit, coming from an urban State, I'm very, very concerned with the President's proposal to cut the operating assistance by $202 million or by 25 percent. What happens is this places the burdens on the State. The Federal Government disinvests and someone has to step in to keep those transit systems operating. Transit is very, very important in our urban areas. It is a congestion mitigation strategy, it's an access issue and there are many other reasons that transit is important. So I would strongly support the operating assistance being at the full level without the cut of about 25 percent.

I am pleased with the Administration's proposal which not quite fully funds the transit capital side but comes awful close, $4.8 billion versus $5.1 billion.

The Clean Air Act amendments, I sometimes feel I'm the Secretary of Air Quality and I could talk for an hour on clean air, so I won't. Clean air is a health issue and we can't have people being sick and dying because we are not doing our part to clean up the air. On the other hand, we do have to balance the Clean Air requirements with the mobility and the economy of this Nation.

There is one area of the Clean Air Act that I do want to comment on and that is the oxides of nitrogen known as NOX. The things that we have learned to do are to improve the flow of traffic and they reduce volatile, organic compounds which is what we're working on. All of a sudden, we find that there are strict regulations

with respect to NOX. As we improve traffic flow, what happens is we reduce volatile organic compounds but we increase the NOX, and we will not be able to meet the conformity requirements if that occurs. I am very concerned about that.

Sanctions, I believe, are counterproductive. AASHTO favors incentives rather than sanctions, whether it be the Clean Air Act, whether it be seat belt laws, helmet laws or crumb rubber for that matter.

My last subject is metrication. We are working very hard to meet the deadlines that our projects be developed in metric. The public is not very well aware of what is going on with metrication and our internal processes of developing projects is one issue. But when the public comes upon a sign that is in metric, a speed limit that says 88 kilometers per hour, they might be traveling at 88 miles per hour thinking they are within the speed limit. I don't really think that will occur; I think they do understand that much, but they don't really understand a lot of what metrication is, why it is required, and why it is the right thing to do.

We have urged as an AASHTO community that U.S. Department of Commerce inform and educate the public on metrication. I think they should take the lead in that effort.

Mr. Chairman, that concludes my formal testimony. I certainly will be available for any questions that you have. I would like to turn it over to Mack Roberts from Alabama if that is appropriate.

Thank you very much.

Mr. ROBERTS. Good morning, Mr. Chairman and members of the subcommittee.

I am Mack Roberts, Director of the Alabama Department of Transportation and current President of the Southeastern Association of State Highway and Transportation Officials. This association is composed of the member States of Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virginia and West Virginia. Certainly it is an honor for me to appear before this subcommittee to provide formal comments on the National Highway System and views on other important highway issues.

First, I would like to comment on the importance of the National Highway System. The concept of a National Highway System evolved from the assessment of a number of issues which were identified as critical elements in meeting the future transportation needs of our Nation. Some of these elements were commercial competitiveness, international trade corridors, safety of defense movements and national productivity.

The proposed highway system would serve the Nation's principal cities, major manufacturing centers, major ports and airports and provide for national defense and is essential to fulfilling the basic policy declaration of the Intermodal Surface Transportation Efficiency Act which is to provide the foundation for the Nation to compete in the global economy and move people and goods in an energy efficient manner.

The States have been working with the Federal Highway Administration and local metropolitan planning organizations since 1990 to develop this system. These efforts resulted in the provisions of Section 1006(a) of ISTEA requiring the submittal of a proposed

NHS to Congress. This work is complete and this highway system is now before Congress for approval.

We are aware of the concerns being expressed that approval of a National Highway System would not fulfill the needs for an intermodal transportation system for America. We are of the opinion that a National Highway System is an essential element of an intermodal transportation network and will form the backbone of a national transportation system.

We encourage approval of the National Highway System as currently before Congress so that we may then proceed with the development of a national transportation system. Quoting from a publication of the Federal Highway Administration, "Properly conceived and implemented, the national transportation system concept can significantly improve the efficiency and effectiveness of our entire country's transportation system and thus, the strength and competitiveness of our economy, the vitality of our communities, the quality of life for all Americans. A national highway system will be the first integral part of such a national transportation system."

Then on another issue which you already heard discussed and you will hear some more discussion as we go along today, I know all of you are aware of the ISTEA mandated-requirements to use recycled automobile tires which we call crumb rubber and hot-mixed asphalt. In the opinion of most AASHTO States, this is an issue that is having a negative impact on our highway program. You heard the arguments expressed, both pro and con, to this mandate which resulted in the 1-year moratorium delaying implementation of the mandate.

We, in Alabama, do not object to the purpose of the mandate as we understand it, which is to dispose of old tires and we support the efforts to recycle. We do take the position, however, that mandating the use of crumb rubber and asphalt, the most technical and expensive component of our highways, may result in poor quality pavements at a time when the entire country is emphasizing quality in everything we do. Recycled rubber can be used in other elements of highway construction without jeopardizing planned improvements for our asphalt pavements.

The provisions of ISTEA prevent us from doing this. Projects undertaken using crumb rubber and modified, hot-mixed asphalt have resulted in a substantial increase in cost of pavement. This will translate to fewer miles of asphalt pavement at a time when our demands for highway improvements are increasing.

We just let to contract one of these projects and instead of the $33 per ton price that we usually get, we have $89 per ton. We realize this is the first of these projects in our State and it is a small quantity, but we also realize that price is not going to come anywhere close to the $33 per ton that we normally have.

Modern asphalt pavements have a very complicated chemical composition. The Strategic Highway Research Program, known as SHRP, has recently invested $150 million in research most of which was directed to asphalt pavement research. The goal of this research was to make significant improvements to our asphalt pavements. Many products evolved as a result of this research and upon implementation of the research recommendations and use of these products, asphalt pavements will improve. This investment

and research was made to provide better, longer-lasting asphalt pavements. To mandate a use of crumb rubber is not at all compatible with this research effort.

In addition to having worked with the Department and looked at asphalt pavement since 1956, I worked for 3 years with Goodyear Tire and Rubber Company and with a textile rubber company in a research effort to develop additives and polymers for asphalt pavement. Several products have come on the market that will give us much improvement for our asphalt and we need to take advantage of these. We also need to take advantage of the SHRP Program. It is ready for implementation now and if we have to put the crumb rubber into our asphalt, we can't put the other polymers and additives and the things that are available to us to make these improvements today.

The problem with asphalt is when it gets hot, it gets soft and it ruts; when it gets cold, it gets brittle and it cracks. There are some additives on the market now that raise the softening point and they lower the temperatures where cracking occurs. So we need to take advantage of these instead of coming with the crumb rubber which does not affect the composition of the liquid asphalt.

There are other nonpavement uses of scrap tires which could accomplish the intent of the ISTEA legislation. Scrap tires can be used to provide lightweight fill material, they can be used to construct roadway drainage layers, and for slope stability application and retaining walls. Scrap tire rubber can be disposed of in many ways but mandating this matter to hot-mixed asphalt is certainly not the best way.

We urge that Section 1038 of ISTEA be repealed or revised to allow the use of recycled rubber in any highway construction element in order to meet the minimum utilization requirements. Give us the flexibility to use it as we determine best.

Another subject that we are deeply involved in is metrication. We've been mandated by the Department of Transportation to convert all transportation projects to the metric system by October 1996. In order to comply with this mandate, we are currently developing project plans and specifications using metric dimensions. We are fully committed to meeting the 1996 deadline. In fact, in Alabama I have directed all projects let to contract after October 1, 1995 be let in metric dimensions in order to meet the mandated requirements. This is one full year earlier than legislated. This change is now being made without great effort and without substantial cost.

We are, nevertheless, moving ahead with our metrication program and on target with our schedule for complete conversion. We are very concerned about what we perceive as a lack of commitment to metrication at the congressional level with the mandate we received from the Department of Transportation. The Congress, through the most recent appropriation legislation, prohibited for one full year the use of Federal funds for erecting highway information signs showing metric units. How can we be confident that Congress is genuinely committed to metrication when they are unwilling to unveil metric units to the general public? Is there a chance that the decision to convert will be rescinded? Let's hope not. The States have taken the mandate seriously and we have

passed the point of no return. Many millions will have been wasted and projects delayed if we do not proceed with metric conversion. We cannot design and construction highway projects with one system and maintain highway projects with another system. If we are going to proceed with the metric conversion, we must also change our road signing system. We need greater assurances from Congress that we are not needlessly expending our resources and our energies in the air of metric conversion.

Again, Mr. Chairman and members of the subcommittee, let me express my thanks for the opportunity to comment on issues of importance to us. I will be pleased to respond to any questions you might have at the appropriate time.

Mr. RAHALL. Mr. Abbott.

Mr. ABBOTT. Mr. Chairman, I'm Allan Abbott. I am the Director of Roads in the State of Nebraska and also President of the Mississippi Valley, Midwestern Region of AASHTO.

In the interest of time, I will simply say that the Mississippi Valley States share Mr. Yerusalim's concerns about the suballocation of funds to the metropolitan planning organizations insofar as the National Highway System is concerned. We also fully endorse the National Highway System as the backbone of this country's primary movement of commerce and industry.

I'd like to take a few moments to talk about some of the mandates. I may be of a different opinion than my colleague to my right about metrication insofar as the combination between the signing and the preparation of the plans.

I am in full agreement that we must receive from Congress an indication on whether or not metrication is going to be a reality. We are now involved in Nebraska as well as States throughout this Nation of doing all our surveys, preparing plans in the metric system.

If, in fact, metrication is not a conclusion that will go into effect on the mandated date. We are, in fact, coming up and wasting a lot of money and a lot of effort in preparing plans.

Insofar as the signing issue is concerned, many of the States in the Mississippi Valley Region are concerned about the proper education of the public prior to the implementation of signing in the metric system. While Mr. Yerusalim has indicated that he does not believe the public will misunderstand an 88 kilometer mile per hour on a highway that is 55, I'm not too sure that would occur when you've got a 40 kilometer sign and a 25 mile a hour speed limit.

There are also many things that have to be done before signing can be made, such as changing the driver's manuals of every State in the Union so that when people take their test, they recognize what the system now is between kilometers and miles per hour, and the metric system and the English system.

In commenting on the crumb rubber situation, under the assumption that all the problems mentions by Mr. Roberts, which Mr. Miller will discuss in more detail, could be solved. The current mandate within ISTEA indicates that 5 percent, 10 percent, 15 percent of your asphalt pavements must contain crumb rubber, regardless of the fact if a particular State has enough scrap tires to meet this mandate? Many of the States are not in that position,

which would require us to import tires in order to meet this requirement. I have a great difficult in explaining to my legislature and my governor why this is a wise idea. So we would ask that some semblance of reason be included if it cannot be repealed to indicate that States would not have to import scrap tires in order to meet the percentage mandated by ISTEA.

I also believe that ISTEA is working well. It is taking time to meet the new requirements, for all our partners to recognize what our new roles are, but given sufficient time, we will be able to implement what ISTEA is meant to be, which is a great deal more flexibility in providing a transportation system for this Nation.

I again will try to answer any questions you may have at the appropriate time.

Mr. DILLER. Mr. Chairman, my name is Don Diller. I am Director of the Wyoming Department of Transportation and President of the Western Association of State Highway and Transportation Officials.

I would like to thank you for inviting us here and allowing us to testify on these issues. I will try to be brief and skip a lot of the things that have already been said.

WASHTO is a member of the AASHTO and wholeheartedly endorses the comments that Mr. Yerusalim has made. I think it is important to point out that with all of our regional and demographic differences, WASHTO as well as AASHTO recognize that establishing a National Highway System is of the highest priority to each of the States.

The ISTEA has brought many of our States together in ways perhaps we didn't anticipate. During the process of developing the proposed National Highway System, 10 States in our region worked cooperatively together. I think this is an illustration of what has happened in several other areas. When we presented our recommendations to the Federal Highway Administration, we were not doing it in isolation, but were doing it in cooperation. I think this is an example of how ISTEA is working and we would urge Congress to remain focused on the original intent of ISTEA and to recognize the importance of the National Highway System.

As far as NHS goes, I'd like to mention just three specifics. First of all, we feel it should be a dynamic system. We must be able to adjust to future opportunities. I think NAFTA is a case in point. We urge Congress to maintain, if not the maximum allowable 178,000 miles, 155,000 plus 15 percent, or the 165,000 that was recommended by the Federal Department of Transportation. I think the point here is that it does need to be dynamic and there needs to be a mechanism to allow it to expand.

The second thing we would like to point out is we feel this issue is too important to delay by other issues. For example, our State did not get all the system and all the routes on the NHS that the Federal Highway Administration sent to you. In fact, there were three that were cut out. Because of the overriding importance of a National Highway System, we feel that Wyoming along with other States should put aside these issues—the local or State NHS designations, special projects and other controversial issues—and the NHS should be passed. It is that important to us.

We would like to comment on the suballocation of funds to metropolitan areas. We simply don't think this is the thing to do. ISTEA has set up the tools, the planning provisions and the State flexibility, and we think we should be allowed to use them to develop a highway system that is State, regional and national in scope. Give the ISTEA a chance.

As far as some of the other issues, I'll be very brief. We agree that ISTEA should be fully funded. ISTEA required the States to change their method of doing business. Planning requirements, development of management systems, public input, broadening the use of funds, all brought new players and require new resources on the part of the States. In order to meet the increased demands of ISTEA and to still preserve our system, we really need the full funding. Congress has set up a process. We really need to make it work and fully funding ISTEA is the one way to make it work.

We too have our problem with Federal mandates and sanctions. I won't go into the crumb rubber except to say that our State also would have to import tires to grind up to put into our pavements to meet the requirements.

Perhaps one of the most vexing issues in the rural west is the issue of motorcycle helmets. In our State, we have a seat belt law; we do not have a motorcycle law. We do campaign vigorously for the use of both as far as a department, but I do not think that our legislature is going to pass a motorcycle helmet law and we do not believe that we should be sanctioned because we have not a motorcycle law but we do have a seat belt law. We think the sanctions should at least be separated, if not done away with entirely.

Complexity of the program I think has been spoken of. The management systems, one of the problems we are having, for example, with pavement management and the safety management system is the requirement that they be on all public roads. This takes them out of our jurisdiction. In fact, since our State is more than 50-percent owned by the Federal Government, it puts us directly into trying to do business with various Federal Government agencies in addition to local government agencies.

The enhancement problems I think have been spoken about in depth. We agree that many of our recipients are becoming disillusioned when they find out that they must meet all the Title 23 requirements. The same theory I guess applies to our transit system. We do have a transit system in Wyoming, believe it or not, a very small transit system. We have 42 operators, 22 of those can't effectively run a rural operation with less than $20,000 a year Federal money. For that $20,000 a year of Federal money, they have all the burden of Federal regulations and with the coming drug and alcohol testing, this is going to become more burdensome.

For these small transit agencies, for these small localities, we would really like to see some lifting of some of the regulatory burdens on programs like transit, enhancements and some of the others.

One last comment on the CMAQ funds. Several of the rural States, not Wyoming, do have small communities that are out of compliance. It would not take the entire CMAQ fund to address this issue but the entire CMAQ fund is held up while we are arguing about what has to be done with these issues. We don't think

that is a good use of funds and we would like to see something change.

Mr. Chairman, members of the subcommittee. it has been a real pleasure to be here and I thank you for the opportunity.

Mr. RAHALL. Mr. Miller.

Mr. MILLER. Mr. Chairman, members of the committee, permit me to begin by expressing my appreciation for being permitted to address you this afternoon. My purpose in being here is to discuss Section 1038(d) of Public Law 102–240.

Before I begin, let me assure you that I don't claim to be the resident expert that Howard makes me out to be, but I would like to report to you on some of the work that AASHTO is doing in that regard.

Before I do that, I would like to comment briefly about the National Highway System. We full support the concept of the National Highway System. We fully endorse AASHTO's statement in that regard. Having been the chair and having had the pleasure of chairing the AASHTO 20/20 Task Force from 1987 through 1990, we recognize the national highway system as having been one of the centerpieces of AASHTO's recommendation on future transportation in the United States.

We also would like to thank the committee for taking up this issue at this early date. We'd also like to express our appreciation to the Federal Highway Administration for their getting to the Congress through the Department of Transportation the system that they recommend.

While from our particular State's perspective, a limited number of miles were not included which we asked for, we fully believe that through adequate time, flexibility and legislative mechanics, there exists means by which to resolve that matter. Thus, we urge the adoption of the National Highway System as indeed being in the national interest. We believe that is the true test of any Federal government program.

Let me turn next to the comments about Section 1038(d). My comments on the subject will be made from the perspective of being Chair of the AASHTO Standing Committee on Highways. That standing committee is the major committee dealing with the technical highway matters.

You know from President Yerusalim's testimony that AASHTO's policy on this issue is clear. Policy Resolution 18–93 requests and seeks total repeal of Section 1038(d). However, absent that action, AASHTO seeks modification to permit such things as credit for other engineering uses, an incentive program and certainly waivers for those areas where minimum targets cannot be met based upon increased cost and availability.

In view of those concerns, AASHTO has asked its Standing Committee on Highways to appoint a task force to examine the problem. That task force has been appointed and is composed of a representative from each of the AASHTO regions and those participants selected to serve on that committee come from States that have had either extensive or current experience in using crumb rubber. Those States are Arizona, Indiana, Florida and New York.

Our committee met yesterday and thus my reason for not having typewritten testimony to provide you with early this morning but

we spent all day on this issue and heard from a number of folks from Federal Highway Administration, the Environmental Protection Agency, the Road and Pavement Association, NAPA—the National Asphalt Pavers Association—and a representative from a coalition of environmental groups.

To summarize our findings from yesterday's meeting, let me comment as follows, but first, a very specific statement. We in AASHTO are not opposed certainly to new technology but this issue has resulted in uncertainty, confusion, and concern. Specifically, those concerns involve performance, cost, design criteria, health issues. Even for those members on our task force yesterday, who have had extensive experience in the use of crumb rubber in asphalt pavements, indicate they are very, very selective about where they attempt to apply this technology.

Concerns of the task force also go to the topic of research and technology transfer. The research required by Section 1038 itself is just now this current year getting underway with FHWA through State funding through the pooled fund study concept. A considerable lengthy research program is anticipated. That leads us to the issue of performance.

Information which we heard yesterday from our task force was that there are as many failures perhaps as there are successes in the use of this material. To that end, our task force will be attempting a very quick but short survey of the various States on their most recent experience in this regard because our information yesterday was indeed anecdotal.

Cost is another considerable factor of concern to the task group and to AASHTO. Current experience indicates a wide variance in cost increases. In my own State of West Virginia, we advertised and awarded a project this past construction season. It has yet to be placed but it was advertised and awarded. In that instance, the portion of the hot-mix asphalt concrete that was to use crumb rubber, was 37 percent in excess of the engineer's estimate and even there, the engineer's estimate had been increased because of that factor.

Indeed, yesterday, we heard anecdotal evidence that some States have commented that they would indeed take the penalty specified in Section 1038 rather than experience the increase in cost and thus the added risk as well.

As administrators of transportation departments of which highways is a major portion, we seriously question the ability to explain to our populace that we are willing to cut the size of our program to utilize this particular material when we find costs that range anywhere from 40 or more percent in excess of those of conventional hot-mix asphalt.

On a positive note, to close, we had a good meeting yesterday. We had an excellent exchange of information with those with whom we met. We look forward to continuing those discussions which hopefully would result in joint research and expansion of technical knowledge and data on this subject. Thus, we seek modification of 1038(d) to enable the proper scientific and technical solutions to be sought, achieved and implemented.

Thank you very much, Mr. Chairman. We will be happy to respond to questions.

Mr. RAHALL. Does Mr. Pyers wish any statement?

Mr. YERASALIM. No. In case you have any questions with respect to our AASHTO Task Force on the National Highway System, he is here.

Mr. RAHALL. Thank you, Howard and the entire panel, for what was very concise yet very comprehensive testimony, which touched upon many important aspects of ISTEA.

I am totally supportive of your comments that ISTEA is working, and your endorsement of the NHS is noted as well. I would like to ask some questions in regard to the identification of intermodal connectors.

As I understand your testimony, you are recommending that Congress enact the DOT proposal without amendment; is that correct?

Mr. YERASALIM. We are satisfied with the recommendations. We certainly would be interested in any recommendations from members of Congress for modifications. We worked together with the U.S. Department of Transportation in developing the system that was recommended by Secretary Peña and Administrator Slater. So we are satisfied with that system but we want flexibility so that there can be changes in the future or as the legislation is going through the legislative process.

Mr. RAHALL. I understand that and appreciate it. I join in the high words of praise that our full committee Chairman, Mr. Mineta, expressed last Thursday in applauding the States for working with DOT and for your submissions of NHS mileage, because we have heard very little disagreements with the final recommendation—and that is because your input has occurred prior to the submission.

As you are aware, one of the major outstanding issues in this process is the identification of the intermodal connectors. I would like to ask you three questions in this regard. First, what are the panel's views on the means by which the DOT proposes that this identification process be accomplished? My second question is, is there consensus on what constitutes a major intermodal connector facility for the purpose of eligible for inclusion in the NHS? The third question is, does this panel believe that the 6,000 miles discrepancy between the 159,000 miles recommended for the NHS and the DOT legislative proposal of a 165,000 mile cap, accommodate the inclusion of additional intermodal connectors?

Mr. YERASALIM. I will start out and let the other members of the panel assist me.

First of all, with respect to the 6,000-mile leeway, we believe that the full 15 percent that was allowed in the original legislation should remain. We don't know what the additions will have to be and we'd like to see the full 178,000-plus miles available for additions should they become necessary.

The means by which we identify the intermodal connectors, I think a lot of them have already been identified and they are in the recommendation by Secretary Peña. I think they show that through their view graph information system that they have shown. We feel it is very important that the States play a major role in any identification of further facilities, that this not be done in a vacuum, that there are lots of players involved including tran-

sit agencies, AMTRAK, CONRAIL, the seapots et cetera. So we think that all the agencies should work together to identify these additional intermodal connectors if they have not been included in the system as proposed to date.

Consensus on what a major facility is, I'm almost going to pun on that one because I don't know how to define exactly what a major facility would be. Perhaps one of the other members would like to step in. I don't think I see any volunteers here. I don't see any hands up as Charlie Miller says.

Mr. RAHALL. As I understand it. DOT included the AMTRAK station in Charleston but not the one Huntington on the recommended system.

Mr. MILLER. Certainly we would want to see those connected, yes.

Mr. RAHALL. Do any of the other members wish to comment on any of the questions?

Mr. PYERS. First of all, I just want to say that our task force worked very well with Federal Highway both before and in putting the basic system together. We have had some discussion with representatives of Federal Highways on this additional step. I think the highway system is a critical element that ties all these other modal connections together. While my task force hasn't tried to define what a major connector would consist of, I think that the idea of the highway system being the element that ties all these things together is absolutely critical and probably needs to be addressed over some period of time.

Mr. RAHALL. Last week, DOT submitted to our subcommittee staff a list of corrections and additions to the NHS. It is my understanding these modifications will be included on an updated DOT submission to Congress consisting of new national maps and new State maps which then will be our reference point for marking up NHS. Is AASHTO comfortable with this process?

Mr. YERASALIM. AASHTO is comfortable with the process but we'd like to work together with DOT as they identify additions or deletions to the system that we say in the original submission. We feel we are a key player, we represent the States and tying the States together is very, very important. We would like to continue to be a player in the process.

Mr. RAHALL. Let me ask you now to comment on the overall implementation of ISTEA and the transportation enhancement program, and the proposals we have heard to make this a grant program.

Mr. YERASALIM. Since we don't have an official AASHTO position, I will speak as Secretary of the Pennsylvania Department of Transportation and I thank you, Mr. Chairman, for allowing me to do that.

I found that developing these projects has been very, very difficult for the sponsors and the sponsors in Pennsylvania are almost exclusively the environmental officials who have insisted upon a very detailed process for highway and transit projects. I would like to see these projects occur, whether it is through a grant process which is one option. Another option would be some kind of provisions that reduce the environmental requirements for enhancement projects. I could probably live with either of those options as being

a way to have the intent of Congress actually occur and have these enhancement projects actually built.

Mr. ABBOTT. I'd like to add to that in Nebraska also primarily the sponsors have been environmental groups and the time that Nebraska Department of Roads has had to spend with these environmental groups or public agencies that have not been used to working through the system has been extraordinary and exceeded what was anticipated. These projects, for the major part, are not the type that are going to in any way detract from the environment by their very nature. So I would like to lend my personal support to what Howard is saying to simplify the procedure, to allow these projects to be advanced.

One of the concerns that has been expressed by some of the groups is that the States are in fact not entirely behind or supporting enhancement programs because a great deal of money has not been obligated at this point in time. I believe it has not been the State support that the hoop should have to jump through to get these projects underway that has caused the problem. So anything that would simplify the procedure for the enhancement program I would fully endorse also.

Mr. MILLER. If I might add to those comments, first of all, with respect to the manner in which the program is administered whether it is under the current process, through the normal delivery mechanisms of FHWA or a grant process, I don't really have a comment on that other than to say that obviously the grant program we feel would be much simpler.

One of the impediments we have found is the inability for funds raised by the private sector to be used as match for the enhancement funds. This is one of the things that has caused us some undue delay in some of the projects in our State. We believe that through the current concept of public-private partnerships, that should be allowed.

Mr. RAHALL. Let me ask you, Howard, about the need to reduce environmental requirements to simplify the process. In West Virginia, for example, as Charlie knows, we are doing a lot of historic preservation projects. I guess I am looking for more specifics on what environmental requirements we could reduce?

Mr. YERASALIM. Let me mention one. One of the programs is Rails to Trails. When you get into a Rails to Trails project, you get involved with the historic features and you wind up going through the entire historic preservation requirements of a normal major transportation project. As a result, a project we think should happen almost immediately winds up taking a very long time, if at all, in order to get through the process.

The same would be true of maybe perhaps a minor amount, and I mean a very insignificant amount, of wetlands that are along one of these facilities and the fact the same requirement that a major highway project has to go through for that type of project we think is onerous to the sponsors and it doesn't make for delivery of the project.

Mr. RAHALL. So the environmental hoops that you describe are more of a general nature and would apply to any type of projects; they were not necessarily created by ISTEA?

Mr. YERASALIM. That is definitely true, Mr. Chairman.

Mr. RAHALL. There are many other issues this panel has raised and I salute you on the preparation that has gone into today's testimony. You touched upon the Clean Air Act amendments but I would like to touch upon two Federal mandates that you raised. I believe you raised them in your testimony, Howard.

Am I to understand that according to DOT if a given State is 99 percent but not 100 percent in compliance with the minimum utilization requirement for a given year, then the full penalty would apply?

Mr. YERASALIM. I think the answer is yes but I'm not sure I completely understand the question. Are we still on the Clean Air Act?

Mr. RAHALL. I'm referring to the Federal mandates that you raised in your testimony, not necessarily the Clean Air Act.

Mr. YERASALIM. Crumb rubber, the helmet and seat belt laws, yes, the sanctions would still apply. That was raised by Mr. Diller, I believe, that they have one law and not the other. He was suggesting that the sanctions be separated. He probably wasn't suggesting that he supports any sanctions, half a sanction is better than twice a sanction.

Mr. DILLER. We do support the use of seat belts and we support the use of motorcycle helmets as a department, but the citizens of our State do not support the use of motorcycle helmets. They are very outspoken about it and I seriously doubt if our legislature will ever pass a bill. We don't think we should be sanctioned at all but since we do have a seat belt law, we think there should at least be some relief.

Mr. RAHALL. I have a couple of questions for Charlie on the crumb rubber issue.

The point of my previous question was that there is that 5 percent requirement in ISTEA but if you reach only 4.9 percent, then you are facing the same penalty; is that correct?

Mr. ABBOTT. That's correct.

Mr. RAHALL. A couple of you commented on the fact that you may even be required to import scrap tires in order to meet this requirement. There is in ISTEA, as you are aware, a provision that if a State certifies that it is having difficulty or is unable to meet the 5 percent requirement, then there would be lesser minimum requirements that ISTEA provides. So you can go down lower than the 5 percent if you're having trouble and don't have sufficient scrap tires. Are you saying you have zero scrap tires in your States and therefore you are going to have to import them?

Mr. ABBOTT. What I am saying, Mr. Chairman, is not only in Nebraska but in Iowa and a few of the others, they have programs which utilize 95 percent or whatever of the scrap tires that are available. In order to meet the requirements of this sanction, we would have to import tires from another State in order to comply with the mandate. There have been different interpretations given of what you can and cannot do with crumb rubber as alternate solutions. These interpretations vary widely daily depending upon how the question is asked and to whom the question is asked.

At a recent meeting of AASHTO with the FHWA, I specifically asked a question, if we have to import tires, do we still have to comply with the mandate and the answer was yes, that's the case.

As I say, that becomes very difficult to explain why this is a practical solution to the problem.

Mr. DILLER. I might add a little bit to that. We would have to import to meet the goals. There are various interpretations of how we can get around that and we are trying to do everything we can. We are recycling asphalt concrete pavement, we are recycling Portland cement concrete pavement, we are doing all of these things on a routine basis to try to avoid the sanctions, but that is not yet clear to us just how far we have to go.

To give you an example, a number of WASHTO States, the Commissioner of the North Dakota Department of Transportation told us that there is energy development in their State that could easily use the entire supply of used tires in their State for their energy generation or electric generation which would completely remove that market for North Dakota. They would have to import then 100 percent.

I think the point here is there are many other ways to address this problem other than the specifics of adding a certain percentage to asphalt concrete pavement.

Mr. YERASALIM. Let me just add since you gave me the opportunity, we are dealing on the fringes here and I won't go into my hour speech on clean air but the conformity regulations could actually shut us down. Now we are not talking about a 5 or 10 percent penalty; we are talking about the possibility of not having a program. They are very, very difficult, and that is aside from meeting the requirements for cleaning up the air, for meeting the ozone requirements, et cetera, that you have to do each year. It's the conformity of our transportation plan. What we have found is that the transportation plan, whether it be transit projects or whether it be highway projects, does not have a very significant impact on the bottom line as far as reductions in emissions. That is a much, much bigger issue that concerns many of us. We are particularly concerned with the NOX issue that I already mentioned.

Mr. RAHALL. Let me recognize at this point the Ranking Minority Member of the full committee, the distinguished gentleman from Pennsylvania, Mr. Shuster.

Mr. SHUSTER. Thank you very much, Mr. Chairman.

I certainly want to welcome the panel here and most particularly, Secretary Howard Yerasalim of Pennsylvania. While this is not your appearance before the committee it is your first as the President of AASHTO. I certainly want to wish you well in your expanded responsibilities with that very important organization.

One particular aspect of your testimony caught my eye where you say "The need for full funding of ISTEA for both highways and transit, including transit operating assistance, is needed." When you talk about full funding for ISTEA, does that include not simply the formula part of ISTEA but the high priority projects in ISTEA as well?

Mr. YERASALIM. Congressman Shuster, nice to see you again. Of course it is always nice to see you.

We have some of those congressional initiatives in Pennsylvania as everyone knows. I have made the point strongly, I have made it at Federal forums, I have made it in front of leaders of the United States Department of Transportation and others that when we

talk about full funding, we are not playing a shell game. If ISTEA set $151 billion, it meant $151 billion and that includes the congressional initiatives. I have taken a very strong stand on full funding not being only funding the formula part but full funding of what was included in ISTEA.

Mr. SHUSTER. Thank you very much.

I would refer to a recent cover article in U.S. News and World Report which quotes Francise Francois, a lobbyist for State transportation officials, "The principal thing a demonstration project demonstrates is the power of an individual congressman." Of course we don't have many demonstration projects; we have recognized that. What we have is the priority projects. Nevertheless, does this quote accurately reflect the views of AASHTO?

Mr. YERASALIM. I think AASHTO will stand by the comment that we want ISTEA fully funded. I had the opportunity to speak to 105 or 110 of the top officials from the Federal Highway Administration and they also had some members from the Federal Transit Administration there, and I made it very, very clear that full funding is not a shell game where you fund a portion, you take it out of another portion and say you are fully funding ISTEA because that is not fully funding ISTEA. I don't believe that we have a resolution that will say AASHTO has an official position with respect to that other than that AASHTO has an official position that we want full funding of ISTEA which means congressional initiatives.

That other terms I promised you I would never use again because it's not a valid term anymore. It is being thrown around in all the newspapers. When we did the first project with you, I wasn't the Secretary at the time, I was in the Department, and that was meant to do—I can't say the term.

Mr. SHUSTER. It was a demonstration project.

Mr. YERASALIM. Yes, it was.

Mr. SHUSTER. When we have legitimate demonstration projects, we will call them demonstration projects, but many of the projects in ISTEA are not demonstration projects, they are instead high priority projects.

Let me ask you, from your own experience in working with high priority projects in ISTEA, how worthwhile are they? Do you consider them worthy projects or unworthy projects?

Mr. YERASALIM. Certainly they are worthy. As I was quoted on McNeil-Lehrer, every one of those projects was on our 12-year transportation plan before they were approved by Congress, so they are worthy projects in Pennsylvania. I cannot speak for every other State.

Mr. SHUSTER. Thank you very much, Mr. Secretary.

Mr. RAHALL. Let me ask one final question. Is my understanding correct that AASHTO's position is not for the complete repeal of the seat belt-motorcycle helmet sanctions but rather to modify the law so that the penalty is reduced by one-half in a State that has either a seat belt law or a helmet law?

Mr. YERASALIM. That would be our official policy. We would like to see, however all sanctions removed. We think incentives are much better than sanctions but our official position is as you stated, Mr. Chairman.

Mr. RAHALL. You are aware we are going to hear later from the National Association of Governors Highway Safety Representatives?

Mr. YERASALIM. Yes, I am.

I actually read what I think is their written testimony this morning as I was coming out here.

Mr. RAHALL. Everyone on this panel works for a governor, don't they?

Mr. YERASALIM. Yes, they do. That is a point that I have made many, many times. There were major issues on the Clean Air Act as to whether on the environmental resources, the Environmental Secretary or the Transportation Secretary should have the final signoff on things. I always said that it makes no difference because the way it works in Pennsylvania, if we have a difference, we're going to go to our boss which is the Governor and we are going to resolve the issue and come out with one position for Pennsylvania. I think the same should occur in these other groups. Sometimes I wonder if they really know that they work for a governor. I know that I work for a governor. That is who appointed me and I serve only so long as I shall be good. So if I am bad today, I may go back and not have a job. So I will serve my governor and discuss these issues with my governor. I would hope that all officials who are appointed by governors would do the same.

Mr. RAHALL. Very good.

I'm sorry, I neglected the ranking minority member of the subcommittee, the gentleman from Wisconsin, Mr. Petri.

Mr. PETRI. I did have one or two questions.

First, I wanted to thank you all for the time and effort you put in. I know it is of great benefit to this committee and the Government to have you serving as kind of a permanent nonofficial board of directors for the National Highway System. That is very valuable.

I do have just a couple of points I wanted to follow up. One, I think you may have alluded somewhat in your testimony to this but I think last year the Department of Transportation was coming up with proposed rules—they may be permanent now—on planning for highways. There was a lot of concern expressed by many states on reading through it and thinking on how it might work that, in fact, they were being set up for potential litigation and delay and the rules didn't really allow for the different classifications for construction or modification of economic development. I guess in some places they just build a new road because it will be needed. That didn't seem to be one of the options that the people had. Could you address it now?

I haven't heard much about it lately. Are you more comfortable with those rules? Have a lot of the difficulties been resolved or are we going to be hearing more about it later?

Mr. YERASALIM. I think a lot of the difficulties with the management regulations have been resolved. I think it is going to be very, very difficult to meet all of those requirements. For example, there are 23 factors for Statewide planning and I happen to have them with me. In many of our States, Pennsylvania being a prime example, land use planning is going to be one that is very, very difficult to meet because we have 2570 separate municipalities that have

their own authority with respect to land use planning. Some of them do not even have zoning ordinances. So until we can work out that issue, they could cause extreme difficulties with meeting one of the 23 stated requirements in both the Statewide planning or the 15 requirements that are listed in the metropolitan planning requirements.

It's just that they can't be all things for all people. We do have some concern that someone who wanted to take us to court could find a hole, even though we think we've done everything properly, we've followed all the requirements of the planning regulations, all the requirements of ISTEA with respect to all these factors. They are so voluminous and so all-encompassing that I think someone could pick some small point that has very, very minor impact on a project and who knows what occurs when you go into court. Sometimes you feel pretty comfortable and you lose a case and other times, you feel a little nervous and you wind up winning the case. We're very concerned that could occur in the future. We think that the planning requirements are the right thing. It's just the voluminous nature of them.

We have the seven management systems—we say six but we have traffic monitoring also—and we are not sure that we understand yet the public transit management system, the intermodal management system, or the congestion management system. We are working to understand that, we're working very hard. In Pennsylvania, we have hired a consultant at a great expense to help us develop those three systems but it is going to take a while for us to really develop those systems and understand what they mean.

It has been interesting that in some cases, the public transit agencies are concerned about the transit management systems because what they foresee is that this management system is going to pick their projects for them rather than their being able to pick their projects on their own. That shocked me when I heard them say that.

We are for the planning regulations, we are for the planning requirements of ISTEA, but we are very concerned that they are so data-intensive and so voluminous that you could miss dotting and "i" or crossing a "t" very easily, even though you did the right thing and wind up not being able to proceed with something that was very important to the country or to your individual State.

Mr. PETRI. In another area similar to this, there is growing concern nationally about nonpoint source runoff pollution and the highways are a part of that. Our State highway department was in recently saying they estimate something like 40 percent of their budget could be eaten up by trying to build containment ponds for runoff in rural areas where there is no place for it to go. I guess I'm not expert on the science or what we are achieving by attempting to collect runoff in some rural areas. Is this true? Is this a national concern due to the nonpoint source runoff requirements insofar as they apply to highways do they need to be updated or modified to prioritize investment or to try to focus more on real runoff risks from highways?

Mr. MILLER. It certainly is a concern, Congressman. As you are well aware, during the course of highway construction, our processes are quite extensive with respect to control of sediment and

runoff that would indeed foul streams and that sort of thing. We go to significant ends to preclude that with containment dams, sediment basins, sediment ponds, and then ultimately at the conclusion of the construction, considerable expense to seed and mulch and reestablish vegetation. Indeed, that works very well and is without a doubt a must that we do that.

However, once constructed and placed in operation, rainfall runoff from that entire watershed throughout the particularly mountainous areas has always created some degree of erosion, albeit slight, and I don't know that you can adequately stop it. So anything that tries to address nonpoint source issues from parking lots, from city streets, from highway surfaces, is an almost impossible task to totally contain. I would not know how to begin.

Mr. YERASALIM. One of the major issues we have right now is in the northeast is an extreme shortage of salt during the recent storms that we had and we replenished our salt and the people were really very upset that the roads were not as clear as they should have been because of the salt situation. The temperatures were even so low that salt during certain periods of time didn't work. We finally got the salt, we spread the salt, cleared the roadways, and all the citizens are happy and then all of a sudden we hear all the complaints, where is all this salt going, going into our streams? So there are competing interests and competing measures that the safety of our people at the time traveling on icy roadways certainly was the number one priority, from my viewpoint as Secretary of Pennsylvania's Department of Transportation.

We do have to be very careful that we try and have an environmentally sound program. One of the issues that is new that is not law yet, that will probably take a lot of debate, is the Clean Water Act. I talked about the Clean Air Act, I'm told that the requirements of the Clean Water Act are going to be much more onerous than the Clean Air Act. I think we have to strike that balance between the health issues, which is what the environment is all about, and the mobility and economy issues. Somehow we have to balance them and make sure that all sides are heard in the debate on the Clean Water Act and perhaps as we at some point in time relook at the Clean Air Act.

Mr. PETRI. Thank you very much.

I just have one last question. You did touch on several concerns I and others on the committee have about crumb rubber and we are going to look to you for advice and help in trying to work that out in a sensible way. Mr. Abbott, if you do find any tires, if you'll let us know in Wisconsin, we would appreciate knowing about your source because we have a similar problem with that of your State and others.

Motorcycle helmets are a big concern in our State too. We had a requirement, and we repealed it. As a result, we have an annual 20,000 strong bike-in at the State capital just to remind the legislators they don't want a helmet law. By the way, the accident rate has gone down since we repealed the helmet requirement laws. So it is hard to tell exactly if this is the only factor or the only method to improve safety. So we are eager to see if some more flexible approach can be worked out regarding the national mandate. At least this member is.

I have a different question and that had to do with metric conversion. This is of some concern to people. I suspect it will be a growing issue as it actually moves forward. Are you satisfied with the way that is being implemented, are there more cost effective ways of doing it? How important is it relative to the cost? Are we getting into something that may be counterproductive by enforcing it too much? Can you address that subject?

Mr. YERASALIM. Yes. I made a comments with respect to that. The first requirement we have as transportation officials is the Federal Highway Administration rules that starting October 1, 1996, we cannot receive new Federal funding authorizations unless we convert to metric. We are well on our way to that conversion. In Pennsylvania, that conversion to meet that requirement will be about $15 million. That requires changing our manuals, changing our specifications, changing the sign standards, et cetera.

The part that we are concerned about is the signing issue. We have not received a clear signal as to whether we will be required to convert our signs to metric. We are also concerned that there has not been a public information and education program such that if we would change our signs to metric, the people would understand what the signs mean.

We have taken a position officially at AASHTO, if I recall correctly—Frank, if I am wrong, please correct me—that the Department of Commerce, which has the lead on the metric conversion, should do a public information and education program for our citizens.

When you realize that the United States and I believe it is Burma are the only two countries in the world that are not metric, you kind of think perhaps we are backwards we know something the rest of the world doesn't know. In the world competitive market, I personally feel that we are going in the right direction but we need to understand the issues more and our public needs to understand the issues more so that they understand why we are doing these things and what their purpose is.

I can see in the manufacturing field to be competitive in the world market, metric certainly makes sense. You shouldn't have to have two sets of wrenches when you fix an automobile.

Mr. PETRI. Sometimes when things are logical and clear and sort of inevitable, it is a little more acceptable if people demand that we do it than if we shove it down their throats. Then it sometimes doesn't seem quite as logical and inevitable to a lot of people. It looks like a conspiracy to them. This is a concern that if we force it too much and in the wrong way, we may end up going more slowly than faster at the end of the day.

Mr. YERASALIM. We are concerned, as was mentioned by one of our members, that we are going to go ahead and then find that the laws are going to be changed and some of us will have moved ahead and some of us will not have moved ahead, and should we have done that. Right now, the rules are clear. Signing is going to cost Pennsylvania another $16 million, so that $15 million now becomes $31 million to convert to metric. I could go on and on.

The Americans with Disabilities Act is certainly the right thing. In Harrisburg, we have an east shore and a west shore and the bridges to me are the same as the curb cuts to persons with disabil-

ities, but it's costing Pennsylvania $100 million just on the State highways alone to provide these curb cuts to meet the requirements of the Americans with Disabilities Act. That is not including all the other requirements of the Americans with Disabilities Act, the buses, the transit costs and the many, many other costs. That is a lot of mandates without funding to fund them. That $100 million is coming out of our highway program. Because we have no other place to take it from. That $31 million is coming out of our highway program. We have other things that are State issues with regard to tort, decisions we have received lately that are also taking money out of our highway program.

So for the same number of dollars, our program is actually getting much smaller because of these other mandates that are occurring both at the State and the Federal level.

Mr. ABBOTT. Not to beat a dead horse about the signing issue but most of us will need to get legislation passed in our State legislatures changing speed limits, changing whatever. Nebraska may not be the most conservative State in the Nation, because we do have a seat belt and helmet law, but people who thought they had trouble getting it through, getting a change through such as this is going to be very difficult.

The changing of plants to the metric system really can be done. Nobody knows about it, it doesn't impact anybody. You go out and tell a farmer you're buying 25 hectares of his property and he is going to call you a lot of things as you leave.

So again, I think it is the education process which has to be done if we are going to do this, particularly with the signing issue. Let's please proceed with some reasonableness so that we don't end up with States coming in here saying we're losing our Federal funds because we can't change the signs to the metric system.

Mr. RAHALL. Thank you, gentlemen.

I'm going to ask the next two individuals to come forward together. The first one has already been introduced earlier today by Representative Menendez of New Jersey and he is Mr. James Arena, Director of the New Jersey Department of Law and Public Safety, testifying on behalf of the National Association of Governors' Highway Safety Representatives. The other individual is Mr. Stephen Del Giudice, member of the Prince George's County Council, testifying on behalf of the National Association of Regional Councils Transportation Group.

Gentlemen, we welcome you to the subcommittee. We have your prepared testimonies and they will be made a part of the record as if actually read. You may proceed as you desire.

Welcome, Mr. Arena.

TESTIMONY OF JAMES ARENA, DIRECTOR, NEW JERSEY DIVISION OF HIGHWAY TRAFFIC SAFETY, ON BEHALF OF THE NATIONAL ASSOCIATION OF GOVERNORS' HIGHWAY SAFETY REPRESENTATIVES; AND STEPHEN DEL GIUDICE, MEMBER, PRINCE GEORGES COUNTY (MD) COUNCIL, ON BEHALF OF THE NATIONAL ASSOCIATION OF REGIONAL COUNCILS TRANSPORTATION GROUP

Mr. ARENA. Thank you, Mr. Chairman and subcommittee members.

It is a pleasure to appear before you today to discuss the amendments to the Intermodal Surface Transportation Efficiency Act of 1991.

I am James A. Arena, Governor's Representative for New Jersey and Director of the New Jersey Division of Highway Traffic Safety and Chair of the National Association of Governors' Highway Safety Representatives, NAGHSR. NAGHSR is the national association of state highway safety officers.

My testimony will be directed to three specific issues which may be considered as part of the National Highway System bill this year. They are: Retention of the 153 penalty provisions, increased funding for the 410 Program and deletion of the radar detector study language.

ISTEA created a new Section 153 Program which provides States with incentive grant funds and penalties for those States that do not adopt both mandatory safety belt and motorcycle helmet laws. As you know, bills have been introduced in the House and the Senate which would delay the 153 penalties or rescind them altogether. NAGHSR remains strongly opposed to these proposals.

We support the penalty provisions for four reasons: They work; they have been effective; and they are more acceptable than traditional sanctions and, there is a legitimate need to set stronger safety standards than State standards.

NAGHSR firmly believes that mandatory safety belt and motorcycle helmet use laws work. NHTSA estimates that 5,226 lives were saved and 136,000 moderate to severe injuries were prevented by safety belts in 1992 alone. By buckling up, motor vehicle occupants saved an estimated $3.6 billion, including $508 million in costs directly paid by the public in medical and other costs, in 1990.

Between 1982 and 1987, NHTSA estimates that 4,645 lives were saved by motorcycle helmets, 559 in 1992 alone. Additionally, mandatory helmet laws are very simple to enforce because it is easy to tell if a rider is in compliance or not. Hence, there is a real incentive to comply with the law.

According to NHTSA's 1991 observation survey, the usage rate for States that have mandatory helmet laws is nearly 100 percent since enforcement of such laws is so easy. For States without such laws or States with laws limited to minors, the usage rate ranged from 34 to 54 percent.

NAGHSR believes the penalty provisions are far more preferable than the traditional sanctions which are often counterproductive. Safety-related sanctions may exasperate a safety problem by withholding the very construction funds which could be used to improve roadway safety. Further, sanctions generally do not link a problem with an appropriate solution. For example, States must provide effective control of outdoor advertising signs along certain Federal aid roads or risk losing 10 percent of interstate construction funds. In legislation introduced last year in the Senate, States must enforce pedestrian safety laws or risk having the speed limit lowered for portions of their interstate system.

In neither example do the penalties fit the crime or help alleviate the problem unlike sanctions, the redirection provisions link a safety problem—inadequate occupant protection—with a safety solu-

tion—increased funding for occupant protection and other safety programs. Most importantly, redirection does not cause a State to lose any of its highway construction funds. At a time of burgeoning State deficits and increased State needs, any Federal action which allows the State to keep funds is a welcome approach.

The Association believes that the 153 penalty provisions are a precedent-setting alternative to sanctions. If the redirection language is sustained, then Congress can move away from the onerous sanctions in other legislation and move toward approaches that encourage States to act without forcing them to do so.

We also feel that the redirection provisions have been very effective. Since the enactment of the Section 153 Program, North Dakota, South Dakota, West Virginia, Vermont, Massachusetts and Nebraska have adopted safety belt laws and Maryland has enacted a motorcycle helmet law. Many State legislatures have been motivated by the threat of Federal penalties to consider mandatory motorcycle helmet and safety belt laws during the current legislative session.

Additionally, NAGHSR, an association of State agencies, does not support the argument that States' rights are more important than public safety. Congress frequently preempts States' regulatory authority where there is a compelling health and safety problem and when there are effective means for solving that problem on a national basis.

Federal highway design standards for the national highway system, truck size and weight regulations, and Federal hazardous material regulations are three examples of safety-related preemption. In each of those instances, Congress has exercised its legitimate legislative responsibility to preempt weaker or ineffective State laws where it was in the public interest to do so.

In the past, the House Public Works Committee has unhesitatingly taken action when the members perceived a safety problem for which there are effective viable solutions. NAGHSR believes that 2400 motorcycle deaths in 1992 constitute a significant public health and safety problem. We also believe that there is clear and convincing evidence, as shown in numerous studies, that motorcycle helmets are the most effective way to prevent fatal and serious motorcycle injuries. NAGHSR believes that any weakening or delay of the penalty provisions will send a message to the States that penalties should not be taken seriously, a message that we do not support.

We believe that a delay or weakening of the penalty provision will subvert State efforts to pass mandatory motorcycle helmet bills resulting in needless loss of lives on our Nation's highways. We urge the House Public Works and Transportation provisions to retain the penalty portions of the 153 Program as authorized.

Let me turn now to the 410 Impaired Driving Incentive Grant Program. ISTEA changed the Section 410 Drunk Driving Prevention Grant Program so that it was more focused and performance orientated. As a result, nearly half of the States qualified for 410 grants in fiscal year 1993.

The 410 Program has been instrumental in motivating States to pass impaired driving legislation. In the last year alone, and largely due to the 410 Incentive Grant Program, there was a flurry of

State activity on impaired driving legislation. Five States enacted .08 BAC laws, seven States adopted .02 BAC laws for underaged drivers, and two States have adopted administrative license revocation laws.

We are pleased that the Administration has requested $25 million, the authorized level, for the 410 Program in fiscal year 1995. However, we do not feel this amount will be enough given the large number of applicants to the program in fiscal year 1995 and beyond. If all the eligible States were funded in a manner consistent with the statutory formula, $29 million in 410 funds should have been appropriated in fiscal year 1993 and at least $36.25 million would be needed in fiscal year 1994.

Since the program was not authorized at adequate levels, the 410 allocations to eligible States have had to be proportionately reduced in both fiscal year 1993 and fiscal year 1994. As a result, some of the positive impact of the program has been diminished. In other words, the program has been more successful than this Committee originally envisioned which has caused a shortfall in the annual program funds.

Later this year, this committee will consider a new Impaired Driving Incentive Grant Program. While we think that proposal has considerable merit, we believe, as does Mothers Against Drunk Driving, that it makes little sense to authorize a new incentive grant program when the existing program is not adequately and fully funded. Therefore, NAGHSR urges this committee to increase the authorization of the 410 Program to $50 million in each of fiscal years 1995, 1996 and 1997.

I will now address the third issue, radar detectors. Last year, this committee included language in the ISTEA technical corrections bill which would require the Department of Transportation to study the relationship of radar detector devices to motor vehicle crashes and report to Congress on the results. NAGHSR strongly opposed the study then and we continue to do so now.

The proposed study would undermine FHWA radar detector ban and force the agency to reconsider it even though FHWA has been studying this issue for some time. NAGHSR does not believe the additional study is either necessary or desirable. NAGHSR also believes that the proposed $500,000 study is a waste of taxpayers' money. The fiscal year 1994 DOT appropriations bill directs the Federal Highway Administration to use the Motor Carrier Safety Assistance Program, MCSAP funds, to study the issue and determine whether commercial motor vehicles with radar detectors are overrepresented in crashes that involve speeding by operators of commercial motor vehicles.

NAGHSR believes there is substantial research on the relationship of radar detectors and excessive speed as well as on the relationship of speed to motor vehicle fatalities. Perhaps the most significant and disturbing study was a 1990 Insurance Institute for Highway Safety Study which found that at least 52 percent of all trucks and 50 percent of the trucks carrying hazardous materials were using radar detectors and that regardless of the posted speed limit, trucks with radar detectors were more likely to speed than those without.

According to NHTSA, unsafe speed is one of the most common driver errors causing a crash and is a major factor contributing to approximately one-third of fatal and all crashes. NHTSA has also found that crash severity increases disproportionately with speed at impact. That is, the higher the speed, the more severe the disabling injury. In a crash between a truck and a passenger vehicle, car occupants are 89 times more likely to be killed than the truck occupants. So as the truck speed increases, the likelihood of a fatality or severe injury involving the truck and another vehicle increases disproportionately.

The Association believes that it would not enhance safety to fully document the effects of radar detector use on speed in crash involvement. We believe that existing research, combined with the experience of State and local law enforcement agencies, is sufficient to justify FHWA's action on radar detectors.

The proposed study implies that the use of microwave technology in radar detectors may have public safety benefits, a position NAGHSR finds without merit. Radar detectors have no proven safety benefit; they exist for one purpose and one purpose only, to help motorists break the speed limit laws and to avoid apprehension. We believe the proposed study creates a cover of respectability for radar detectors and a reason to undermine FHWA rulemaking. NAGHSR urges you to oppose this study.

Mr. Chairman, this concludes my remarks. I will be pleased to answer any questions you may have on my statement. I thank you for the opportunity to address the concerns of the National Association of Governors' Highway Safety Representatives on the amendments to this NHS bill.

Mr. RAHALL. Thank you, Mr. Arena.

Mr. Del Giudice.

Mr. DEL GIUDICE. Good afternoon, Mr. Chairman. Thank you members of the subcommittee.

My name is Steve Del Giudice. I am a member of the Prince George's County, Maryland, County Council and I serve as Chair of the National Association of Regional Councils' Transportation Group which I am representing today. I also serve as the Chairman of the Washington Metropolitan Council of Governments' Transportation Planning Board, the metropolitan planning organization for the Washington, D.C. Region.

NARC is the only national organization that represents the views of the metropolitan planning organizations, the MPOs. Among NARC's Transportation Group members include MPOs representing the country's largest metropolitan areas as well as representatives of medium- and smaller-sized regions.

NARC and our member MPOs worked with the United States Federal Highway Administration and the State Departments of Transportation in identifying routes for the illustrative National Highway System and as required by ISTEA in further refining the list of proposed NHS routes that have been submitted for congressional approval.

We appreciate your invitation to appear before the committee to share with you our views on the National Highway System and the National Transportation System. I request that our specific rec-

ommendations regarding legislative adoption of the NHS which are attached to the written testimony be included in the record.

First, I want to commend you, Mr. Chairman, as well as the leaders and members of the entire Public Works and Transportation Committee. While ISTEA provides for an enhanced role for local elected officials in the investment decisionmaking process, your oversight and support has been crucial to fulfilling that vision. The effort to identify and select routes for the proposed NHS required the involvement and cooperation of local elected officials, State Departments of Transportation, the United States Department of Transportation, as well as the general public. This is one of the earliest tests of the new partnership approach. In general, the results were good. Some locally-elected officials expressed disappointment with the consultation process, but overall the process appeared to work relatively well. The maps were delivered to you before the deadline and with few complaints. This process, while not perfect, is nonetheless a demonstration of the value and effectiveness of the new partnership approach.

With respect to the National Highway System, let me begin by saying that NARC wholeheartedly supports and concurs with the United States Transportation Secretary Peña that the designation of the NHS is the first step towards the creation of a multimodal, national transportation system. Continued economic growth requires greater efficiency of and the public and private investment in the entire transportation system.

We support the Administration's plan to undertake a major outreach effort to identify the most critical components of the National Highway System and to provide a forum to discuss how we should work towards the development and maintenance of a more fully-integrated transportation system.

We urge you, in your NHS legislation, to declare your intent to adopt an NTS of which the NHS is a subcomponent and to express the goal of authorizing Federal financial participation in National Transportation System projects when ISTEA is reauthorized. NARC members believe that the National Highway System must be fully woven into the fabric and plans of the cooperative planning process in metropolitan areas. The NHS is a dynamic system and in metropolitan areas, it should be allowed to continue to evolve through the cooperative planning process. To that effect, we support the provisions contained in the administrative legislative proposal for adoption of the NHS that would give the Secretary the discretion to modify the NHS to accommodate changes identified through the Statewide and metropolitan planning processes.

In addition, the routes of new alignment should be subject to the FHWA and FTA major investment analysis requirements. We also believe that the Statewide metropolitan planning process is the logical mechanism to guide the investment decisionmaking process. More specifically, within the metropolitan areas, the major investment analysis process required under DOT's metropolitan planning rules should be the basis for project selection where expanded capacity is being considered.

Major investment analysis is an appropriate tool for determining whether the NHS funds should be spent on capacity projects, on the NHS or other arterials, transit or some other alternative that

more effectively serves the corridor. Moreover, to facilitate the development of the most effective projects where capacity expansion is needed, we suggest that you consider modifying the NHS eligibility provisions of ISTEA into two ways. First, allow the use of NHS funds on projects that are most functionally effective in the corridor and second, withdraw the current requirement that any substitute project must be physically adjacent to the NHS route.

While these and perhaps other minor adjustments could be help to ISTEA's implementation, one of the most important ingredients is the partnership approach. In many areas of the country, we have seen dramatic growth and improvement in the cooperation, coordination and communication among partners and stakeholders. We believe the successes in these areas will increasingly spread across the country once the nonbelievers see the positive effects.

However, one aspect continues to hinder the planning process and could be strengthened. This is an early agreement between the States and the MPOs regarding how all ISTEA funds, including NHS funds, will be distributed. Without this information, it is impossible to develop the finally constrained plans and programs we are required to do. We urge you to establish a process for the short and long range distribution of all ISTEA funding categories, including NHS funds as the basis for preparing long-range plans and improvement programs.

Mr. Chairman, I am certain that over the next few weeks of hearings on the NHS, you will receive many recommendations and much good advice on modifying ISTEA. While some minor modifications may be helpful, we urge you to preserve the vision of ISTEA and to avoid major substantive changes that could significantly alter the rules of the game before the process has had an adequate chance to take hold and grow.

Finally, we think the principles I have enunciated here today can be accommodated by much of what Secretary Peña has proposed in his recommendations to Congress on the adoption of the NHS.

Thank you for this opportunity to provide our views on the National Highway System. I will be happy to answer any questions.

Mr. RAHALL. Thank you, gentlemen, for your testimony and your patience in being with us all day today.

Mr. Arena, let me begin with you. Earlier today as you may have heard, AASHTO testified in support of modifying the Section 153 Program to reduce the penalty by one-half in a State that has either a seat belt law or a helmet law. Are the Governors' Highway Safety Representatives opposed to this proposal?

Mr. ARENA. Yes, we are opposed, Mr. Chairman, because both the issue of motorcycle mandatory helmet use laws and mandatory seat belt laws are separate, clear and distinct issues that have proven to be lifesaving. Prior to the implementation of ISTEA, I don't believe AASHTO had a position on any driver safety issues and NAGHSR, in fact, did. Now that the sanctions are in the ISTEA, they are stepping forward and want to speak about a compromise on those penalties.

We support the mandatory legislation on both issues.

Mr. RAHALL. Thank you. I have no further questions except to clarify the record and comment on two points you made in your testimony.

First, the committee did not include language relating to a radar detector study in the ISTEA technical corrections bill, H.R. 3276, which we passed last year, as you had noted in your submitted testimony to us. Instead, language of that nature was included in a Hazmat reauthorization bill, H.R. 3460, which was approved by the committee but not reported to the full House. Finally, another Hazmat bill, H.R. 2178, that did not include the radar study language passed the House. I just wanted to clarify that for the record.

Second, I noted in your testimony your comments on the High Risk Drivers Act. The invitation is open for you to elaborate on that during our March 24th subcommittee hearing on this particular legislation.

Mr. ARENA. We will be happy to. Thank you very much, Mr. Chairman.

Mr. RAHALL. Thank you.

Mr. Del Giudice, let me ask you a couple of questions. Your statement made note of two modifications you would like to see to the NHS eligibility provisions. One of them was to withdraw the requirement that any substitute project must be physically adjacent to the NHS. If that is an existing requirement, I do not believe that it is grounded in ISTEA. If I am incorrect on that, let me know please. The pertinent language in ISTEA makes eligible highway or transit projects in the same corridor and in proximity to a fully accessed, controlled NHS highway. So it would appear that being in proximity to on NHS highway suffices for eligibility.

My question then is whether there is a physically adjacent requirement somewhere else in the law of which I am not aware or whether such a requirement was promulgated by the FHWA?

Mr. DEL GIUDICE. Mr. Chairman, give me one moment to confer with my staff, if you would.

Mr. RAHALL. Sure. While you are doing that, let me say I also have questions I want to submit for the record to Mr. Arena from our full committee Chair, Mr. Mineta. I am going to submit them for the record and provide you a copy so that you may respond to him in writing and for the record.

Mr. DEL GIUDICE. Thank you, Mr. Chairman. I believe that there is a concern that the Federal Highway Administration might too strictly construe the language to require that they be adjacent to the facility rather than just a corridor approach. I think that the concern is that as long as it is clear that it doesn't have to be adjacent, that it needs to serve a corridor, that it has to have a functional nexus. We would emphasize the functional nexus.

I am going to give you one example that is local. In the State of Maryland in Prince George's County, we have a significant problem on Indian Head Highway which serves Charles County through Prince George's County and brings many Federal workers into the city as well. If we were to consider in the Washington Region a river form of transportation that would bring commuters up the river and into the Federal city on some kind of ferry system, would that be considered the same corridor? Indian Head Highway runs directly parallel to the Potomac River. We want to make sure that the requirement is not strictly construed to require that physical corridor as opposed to functional corridor nexus.

Mr. RAHALL. I believe that is what we intended in ISTEA; so you are saying that FHWA just misconstrued the language?

Mr. DEL GIUDICE. That is the concern. In some situations, we may not, in fact, have the rights-of-way reserved to be able to put something in the exact nexus or adjacent to the facility, to the highway facility.

Mr. RAHALL. Thank you very much.

The gentleman from Wisconsin, Mr. Petri.

Mr. PETRI. I have a couple of questions. I'm trying to be open minded and I am certainly willing to be and am in favor of public safety but that it should be grounded in facts would seem to be a useful approach.

In our State when we repealed the helmet law, we did it very carefully actually and testimony indicated that it made the most difference when you're traveling up to 25 to 30 miles a hour, so logically we probably should require it on bicyclists rather than on motorcyclists.

Second, public education plus the requirement that people have a helmet, not that they necessarily use it all the time, has been an effective approach. Our fatalities overall have declined since we got rid of the mandatory law. They are higher in Texas which has a mandatory law than they are in Wisconsin and Iowa which don't. At least those are the facts I have been exposed to. If they are wrong, I would like to know because I shouldn't be trying to vote on stuff based on false facts.

If those are the facts, here you have a lot of people struggling I hope not for the right to die. They are motorcyclists and it's their own head and their own life and I know we all pay for it because if they survive sometimes the cost of their accident is borne by the community. So we have a community interest in telling them to avoid accidents.

They have a personal interest in it too and they don't believe that mandatory helmets is the way to go by a fairly large majority. They think it is based on facts. If those facts are wrong, it certainly would be helpful to all of us to know that and be able to clearly communicate it. There have been a lot of assertions that this concerns public safety and we've got to save people from themselves and order them to behave in a certain way regardless of the particular situation in which they find themselves. They argue just the contrary. The facts they have given me would support what they are saying, not what you are asserting. So I'd appreciate getting the information.

Mr. ARENA. If I may respond on your observation, I will comment with respect to Wisconsin, Texas and some other information regarding motorcycle helmet use. An interesting point on your earlier comment that bicyclists should use helmets, New Jersey was the first State that passed a mandatory bicycle helmet law. The public reaction that we went through once that law was proposed and signed into law before it was implemented (there was a six-month phase-in) was truly interesting. There were accusations of being a police state, police officers would be following 13 and 14 year-old children on bicycles that didn't have identification, etc. To make the long and short of it, the law has been very effective. It provided the young people with the reason they needed to wear it.

Bicycle helmet use went from 3 percent to 67 percent the first year and bicycle fatalities declined by 80 percent in the affected age group and then 59 percent in all populations riding bicycles because the kids were asking the parents, why don't you have one on? So for those reasons, it is a very interesting comment.

Mr. PETRI. I wouldn't dispute you on that. We haven't adopted such a law in Wisconsin but the testimony we got at that time was that it would be more effective with bicyclists than with motorcyclists.

Mr. ARENA. We found that to be the case, that the Head Injury and Epilepsy Foundation of New Jersey were literally going bankrupt on bicycle head injuries. That has all been reversed.

Mr. PETRI. Secondly, on the radar issue, I don't have any particular brief on it but I think it is a fact that Virginia has a radar ban that has been in effect for a while and I would be interested if there are any figures that would indicate any difference in fatalities experience in Virginia as opposed to the rest of the world. What do we gain by going through all this and banning radar detectors?

I think a study myself is a good idea just because it might be that you could put up a decoy radar without a police car on highway signs and other places and have them on and people, if they had a radar detector, would slow down and tell their neighbors there's radar there. It might actually promote public safety and people observing the speed limit rather than playing cat and mouse. There might be a lot of ways to skin the cat is what I'm saying. They can't be that expensive to emit a little radar system here and there and move it around and turn it on and off somehow by remote control. So maybe we are adopting the wrong strategy in attempting to outlaw and ban the detector rather than encouraging people to have them and make them think they are everywhere. So maybe it is worth studying a little as to what the best strategy is to increase reasonable driving on the highway.

Mr. ARENA. Prior to being the Governor's rep, I spent 26 years with the New Jersey State Police, most of that in traffic safety, and there are volumes and volumes of information, literature and statistics on radar detector use in both motor vehicles and trucks. They really serve no useful purpose. I'll be happy again to respond in writing with some of the studies that exist.

Second, the idea you speak of is called drone radar where you put a radar unit out to emit a certain radar signal. We had three or four strategies developed in New Jersey to implement them in construction zones as well as in high fatal and accident locations and high speed locations. FCC came back and said you can't put out a radio signal unless there is a receiver to that signal and it is attended so it can be turned on and off, so we are working our way through that. You are correct, the drone radar mechanism and technology is the wave of the future but we need to look at mechanisms and strategies that will replace the police officer where he truly isn't needed and put him where he is needed. Again, we are trying to work our way through on the drone radar issues as well.

Mr. RAHALL. Thank you, gentlemen for being with us today.

Our final panel today consists of Mr. John Egan, the Commissioner of the New York State Department of Transportation and

Mr. Hal Kassoff, the Administrator of the Maryland State Highway Administration. I know that we have with us also the distinguished member of Congress from the State of New York, a good friend and colleague of ours, the Honorable Michael McNulty. I will be glad to recognize Representative McNulty for purposes of introduction.

I will state also that we have on our committee Representative David Levy of the State of New York, a distinguished member of our committee. I've just noticed another distinguished New York member present, the Ranking Minority Member of the Economic Development Subcommittee, the gentlelady from New York, Susan Molinari.

Mr. PETRI. Mr. Chairman, just briefly, a third member of our committee from New York, Sherwood Boehlert, asked me to express his regrets that he couldn't be here and to join in welcoming Commissioner Egan to our subcommittee today. He wants to thank the Commissioner particularly for his testimony and the work in administering a modal transportation program in New York State. However, our colleague from New York, Representative Michael R. McNulty is here to introduce Commissioner Egan.

TESTIMONY OF HON. MICHAEL R. McNULTY, A REPRESENTATIVE IN CONGRESS FROM NEW YORK

Mr. MCNULTY. Thank you, Mr. Chairman, Congressman Petri, Congresswoman Molinari, and Congressman Levy, for giving me this opportunity to introduce to you a very special guest.

I have been an elected public official in New York State for 25 years. That seems like a long time to me. But I would note today that I was born in 1947, the same year that John Egan began his service to the people of the State of New York. So he is closing in on half a century of public service.

John began at the entry level in State service and worked his way up. He has headed at least three departments in the State that I know of—the Office of General Services, the Dormitory Authority, and now the massive New York State Department of Transportation. So it is a very distinct pleasure for me to introduce to you a very special friend of mine—and one of the most outstanding public servants I have ever had the privilege of knowing—the Honorable John Egan, Commissioner of the New York State Department of Transportation.

TESTIMONY OF HON. JOHN EGAN, COMMISSIONER, NEW YORK STATE DEPARTMENT OF TRANSPORTATION; AND HAL KASSOFF, ADMINISTRATOR, MARYLAND STATE HIGHWAY ADMINISTRATION

Mr. EGAN. Thank you, Congressman McNulty.

Thank you, Chairman Rahall, Congressman Petri, staff and members of the committee and a special thanks to those from New York, Congresswoman Molinari and Congressman Levy. I met this morning with Congressman Boehlert and this is a great opportunity for me to talk with this committee to present the views of New York concerning the designation of a National Highway System and other surface transportation issues.

I am John Egan, Commissioner of the New York State Department of Transportation. New York State is leading in investing in

transportation. That investment approximates $21 billion that New York State has committed to spend on transportation over the next 4 years. It is split about equally between highway and mass transit funding. Federal funds comprise about 40 percent of both the highway and transit capital programs.

Let me add at this point that New York State strongly supports the views of AASHTO that were expressed earlier on this panel. In New York State DOT's view, ISTEA is working and it should not be prematurely adjusted. As a multimodal transportation department, New York was not just in a good position to implement ISTEA, we had already practiced many of the new principles contained in this Act. Over the past two years, we have made further changes to allow us to live up to the spirit of ISTEA and I believe this effort has been successful in many aspects. Certainly and to be sure, there are many improvements that States and metropolitan planning organizations can make. I am committed to working towards those improvements.

The approval of the National Highway System provides an opportunity for a possible midcourse correction to ISTEA. It is New York's view that time and stability are needed to fully realize the potential that ISTEA offers and implement the Act as Congress had intended. We believe it is too early to fix perceived problems which may only be temporary. More experience is needed to identify real problem areas and to develop appropriate remedies before making any significant changes to the Act.

We believe that further allocation of ISTEA funds to metropolitan areas or to particular programs will undermine the flexibility provided to States and localities embodied in the Act by Congress. Some have advocated the need to further allocate certain highway funding categories to individual metropolitan areas and to allocate annual highway obligation authority to individual categorical programs.

These suggestions, in our judgment, reflect the perception that the unprecedented flexibility given to States and MPOs in deciding the best use of transportation funds is not working. However, each of these suggestions would impose additional Federal mandates on where a State's fund should be spent and reduce the flexibility to use funds based on local and statewide priorities that is the philosophical basis of ISTEA. The tools and flexibility that you provided in ISTEA for making transportation investment decisions based on the individual needs and circumstances of each city and State should be given time to work.

New York's national highway system was developed in cooperation with the MPOs and accommodates over 40 percent of the State's motor vehicle travel. The designation and maintenance of a National Highway System is critical to improving mobility and supporting the economies of the States and the Nation. The National Highway System is not only important to automobile users, but also to transit users and all who rely on freight movement. New York has developed its national highway system in a cooperative effort with the MPOs. Our system submitted to FHWA last summer included nearly 4,900 miles which is about 200 miles under the mileage allocated to us by the Federal Highway Administra-

tion. New York's system represents about 4 percent of the State's highway mileage and accommodates 40 percent of highway travel.

New York's national highway system is not an expressway-building program. Only 7 miles of planned new facilities are included in our recommended system. Our system is intermodal, connecting to the State's major rail stations, airports, ports and other intermodal facilities. The national highway system also provides the right-of-way on which many local and intercity buses operate. We are at this moment reviewing additional intermodal facilities for inclusion on our national highway system.

The capital needs to preserve and improve New York's national highway system greatly exceed the Federal funds apportioned to New York for that purpose. The capital needed to preserve and improve the national highway system routes submitted to Congress are substantial. The $290 million per year that New York receives in national highway system and interstate maintenance funds will finance only a small portion of the needs to maintain pavement condition, to rehabilitate bridges, make safety improvements and increase mobility on the national highway system.

Although we welcome the flexibility to transfer national highway system funds for other purposes, given the shortage of Federal funds, we will be severely constrained in our ability to transfer national highway system funds to non-national highway system uses and still maintain the condition of these important facilities. A continued partnership in Federal and State funding will be required to address our national highway system needs.

We need to simplify the process to make change to the national highway system in the future. In the months since our national highway system was submitted to the Federal Highway Administration, we have identified several changes that need to be made. In addition, we have worked with a number of our congressional leaders. Congressman Boehlert recommended a route in his district which we feel should be added to the system and we will provide this recommendation to the Federal Highway Administration.

Just a few days ago, I learned of a number of nonhighway projects submitted to this committee by Congresswoman Molinari. We believe that these merit particular attention and should be considered for funding, the reconstruction of the Whitehall Ferry Terminal and implementation of a new Staten Island-Midtown Manhattan Ferry service originally authorized in ISTEA. We are very supportive of those projects, Mr. Chairman.

We believe the National Highway System bill should also include a process for making needed changes to the dynamic system.

One of the unique features we feel should be recognized by this committee, as it relates to New York, is the connection of the international border crossings as a function of the National Highway System. The National Highway System connects to New York's eight major international border crossings with Canada which are vital to continued growth in international trade. One quarter of all United States trade with Mexico and Canada valued at $60 billion annually passes through New York's borders. One quarter of all United States trade with Mexico and Canada passes through New York State.

Most of the trade passing through New York originates from or is destined to other States, using the Empire State as a bridge. The border States alone should not be burdened, in our judgment, with the full cost of accommodating international trade which benefits the Nation. New York and many other border States will need additional Federal assistance above ISTEA levels to improve both our border crossings and major access routes to accommodate the growth in international commerce generated in other States. We will be coming back to the committee at a later date with recommendations to improve specific border transportation infrastructure.

We in New York urge speedy approval of the National Highway System as the first essential element of a national transportation system. The national highway system is the first component of a national transportation system, it is the backbone of a multimodal system. We believe the National Highway System should be approved by Congress well before the September 1995 deadline. We believe that this approval can best be achieved by keeping the National Highway System bill free of any controversial changes to ISTEA programs and funding formulas.

A process to identify a national transportation system will take time to develop and in New York, we have begun that process. New York recommends that a process similar to the process used for the National Highway System should be used to designate a national transportation system. Such a process will rely on the State DOTs to coordinate development of the national transportation system, working as we did with the National Highway System, with MPOs, transit operators, railroads and other public and private transportation agencies and locally-elected officials to recommend regional components of the system based on national and Statewide criteria. The National Highway System bill now being developed could legislate such a process.

We strongly support the well-planned, high priority projects submitted to the committee by members of the New York congressional delegation. This committee has expressed interest in including additional transportation project authorizations as a part of the National Highway System bill. New York State DOT supports the inclusion of appropriate, well-planned projects. Virtually all of the projects submitted to the committee by New York State members are already contained on metropolitan and statewide transportation improvement programs or were not included only because they lack sufficient funding.

We oppose efforts to rescind Federal funding for important projects where commitments have been made in prior legislation. State and localities have proceeded to plan and design these projects and have expectations that they will receive this Federal commitment.

In closing, let me say that both time and stability are needed for all of us involved in transportation to implement the many new features of ISTEA. In New York, we enjoy an advantage in having, as I mentioned earlier, a 4-year program totalling $21 billion. It is a program that is funded with State and Federal funds and gives New York stability. We believe that stability is very important to ISTEA. We support full funding of ISTEA and this one action, we

believe, will fulfill the expectations of the public for this historic piece of legislation.

Thank you, Mr. Chairman.

Mr. KASSOFF. Mr. Chairman, members of the committee and staff, I am mindful of the fact that it is late and I am the last witness. I will try to be very, very brief.

My name is Hal Kassoff. I am the State Highway Administrator for the Maryland Department of Transportation. I am going to focus my remarks entirely on the National Highway System.

I would like to observe at first the amazing degree of unity within AASHTO. You have heard from a panel of our colleagues, largely as it happens this year, the leadership from all over the country representing many rural States. As you well know, within AASHTO, it is not uncommon that there are divisions between rural and urban, north and south, east and west.

The National Highway System is an issue about which all States have focused and agreed that this is the national priority for reasons that may be different from State to State. For that reason, I would like to give you a Maryland perspective.

The Maryland Department of Transportation is one of the most multimodal departments of transportation in the United States. We have operating responsibility, not just grant-in-aid, in all modes. In aviation, we own and operate Baltimore-Washington International Airport among other airport facilities; we own and operate facilities in the Port of Baltimore; we own and operate every form of public transportation imaginable, all forms of rail and bus transit for the Baltimore metropolitan area; we are the principal provider of non-Federal funding for public transportation in the Washington suburbs in Maryland; and we also have a network of toll roads and highways, over 5,000 miles in all, of which we are very proud.

Our department has been providing true intermodal transportation services for over 20 years and we welcome ISTEA, we welcome the intermodal concept, and we agree that it is a concept long overdue and should be strengthened. It is in this spirit of true intermodalism, experienced in our State for two decades, that we are here to strongly support the adoption of a National Highway System. We think that is an important point because there are many who are looking at the National Highway System as something that is at the other end of the spectrum from intermodalism. This is not true.

We offer our support for three basic reasons which I would like to quickly go through. First, not only is the National Highway System fully compatible with the idea of multimodal transportation, but in Maryland, we think we have demonstrated that an effective and efficient network of major highways provides the framework that is absolutely essential to knit the system together to serve all modes of transportation, passengers and freight, over land and over sea, and in the air.

As State Highway Administrator in this multimodal department, I have the responsibility not only to serve direct highway transportation customers, but to also facilitate the access and movement of people and goods to other modes. Earlier in the hearing, there was discussion of connecting points. The interesting thing about point-to-point movement among other modes of transportation is that

somewhere along the trip an essential link is on the highway network.

We have financed and constructed and now operate a number of intermodal connections of the kind envisioned by ISTEA, by the NHS and ultimately by NTS. Several of these are listed in my written testimony. I will not go through them but they are interstate highway connections to port facilities, to airports and direct connections into railroad terminals, and to rapid rail transit, a truly intermodal transportation framework. This intermodal philosophy has succeeded in our State and we think that it can succeed for the United States only with a strong National Highway System.

A second major reason for our support comes from the perspective of Maryland being a rather small State in relation to the key transportation and particularly highway corridors that pass through our State, especially highways such as I–95 and I–70 that span thousands of miles and are truly of national and in fact, increasingly of international, significance.

These routes are amazingly seamless today as you cross State lines. It is interesting how many of our customers do not realize that it is the State and not the Federal Government that owns and operates interstate highways. That is a testimony to the fact that we have the beginnings of a seamless interstate highway system. This is a system that was planned 50 years ago and we are looking to the future, to the next 50 years and we know that the National Highway System alone is not enough to serve our national interests much less the State's interests.

Without a strong National Highway System, seamless transportation may be a thing of the past as we return to decades ago, history in the highway program before the interstate when State programs were focused on intrastate, internal needs as the highest priority and the Stateline crossings, the true interstate corridors, were of secondary significance and we did not have true seamless interstate transportation. If we lose the NHS battle, and I mean a meaningful NHS battle, we will have to reinvent it in the future as the quality of the system deteriorates.

A third reason for our support stems from our observation that the National Highway System, the interstate highway system, has been this country's key economic asset. We are a large country and the size of our country is a source of economic strength when it comes to the diversity of human and natural resources, but it also represents an extraordinary barrier to the ability to quickly move people and goods from place to place across the country.

For a generation, during a time when productivity in this country in the industrial sector was perhaps not keeping pace, our transportation system was an ace in the hole. Our highway system provided an economic advantage which may have offset other inefficiencies. Now we have the good fortune of seeing national productivity growing.

Interestingly, based on a trip that I was privileged to be able to take as part of a national study team to Europe, what we find is that the Europeans are now building their own interstate highway network so that they too will have as much of a seamless system across international borders as we have enjoyed in this country.

You can see the beginnings of that working as trucks from near eastern countries travel to seaports on the Atlantic coast.

Mr. Chairman, these are three compelling reasons why we need to continue our strong focus on a national highway system in name only and that the groundrules of such a national highway system begin to look on internal, State-by-State, metropolitan-by-metropolitan area needs. The great thing about ISTEA is that we have a surface transportation program that is truly multimodal and that is focused on the needs of metropolitan areas as well as rural areas of our country. That is not enough for a national highway program in this country. We need a national highway system that looks to national level needs without suballocations and without constraints on any expansion of capacity in bottleneck areas. We need a true national perspective if we are to continue with the great success that we have enjoyed for the past 40 years with the interstate highway program.

Thank you.

Mr. RAHALL. The gentleman from Wisconsin, Mr. Petri?

Mr. PETRI. I want to verify with Commissioner Egan that the different submissions to our committee by the members of the New York Delegation all meet with your approval? Is there equal approval for all or are some projects more dear than others?

Mr. EGAN. They are certainly all being supported by the Department. They all have varying characteristics of desirability and need.

Mr. PETRI. We will continue to do what we can. I think our committee is eager to get as far as we can in trying to get the National Highway System approved. It will require cooperation with our colleagues in the Senate but we are hoping to do the job sooner rather than later, at least if we have anything to do with it.

Thank you both very much.

Mr. RAHALL. The gentleman from New York, Mr. Levy?

Mr. LEVY. Let me join with my friend, Congressman McNulty in welcoming you here, Commissioner Egan. I think we probably have a mutual friend in a member of the New York State Senate who is very active on transportation issues and whose name is similar to my own, although we are not related, and that is Norm Levy. I hope you will tell Norm hello for me, I guess you will see him before I will.

Picking up on one of the themes that the Ranking Member mentioned to you, one of the projects which has been submitted I'm sure aware of is my submission for a new project authorization to this committee which, if agreed to, would provide some additional Federal funding to eliminate the five remaining railroad grade crossings through Mineola, Long Island, New York. Those crossings, with the real busy Long Island Railroad, are probably among the most dangerous in the State and the region. I am just wondering if you would comment on the importance of that project and the condition that we are trying to alleviate?

Mr. EGAN. Contracts for the removal of the Herricks Road crossing will be underway shortly.

With New York State embarking on a high speed rail program, our basic sense is that we have to remove all grade crossings in New York State, especially those where the speeds are beyond 125

miles a hour and also those in an area like Mineola where there has been such terrible tragedy and also such inconvenience to the traveling public. The Department of Transportation remains committed to the removal of those crossings. I believe we have the design of them well in hand. Just yesterday, I met with the Mayor of Mineola and I reiterated the commitment of the Governor and this department to those programs.

Mr. LEVY. It has been an inconvenience. More importantly, it is extremely dangerous. I appreciate your comments and I hope that my colleagues will agree with you with respect to the importance of this project.

I thank you very much and welcome again.

Mr. RAHALL. The gentlelady from New York, Ms. Molinari?

Ms. MOLINARI. Thank you very much, Mr. Chairman. I thank you for indulging me as a temporary member of this subcommittee.

It gives me the opportunity to first of all welcome and thank the Commissioner for his participation and for his availability to every member of the congressional delegation. I would like to echo the remarks that were so adequately put forth by our colleague from upstate New York.

This gentleman, as you know, obviously enjoys bipartisan support but more remarkably than that, even my father likes working with him. To those of you who served with him, you know that is in fact a miracle and requires a very special person.

Thank you for supporting the Staten Island-New York City project. Anything we can do to alleviate any impact on our highway system in the city is something that we're struggling to do, particularly with the 10-year Brooklyn-Queens Expressway reconstruction that adds to our highway congestion and pollution.

One of the reasons why we are even here discussing the rewriting of ISTEA is that several of the mayors of larger cities throughout the United States are complaining that the highway funds appropriated in ISTEA have not been adequately drawn to ensure that highways and mass transit were given substantial consideration. If you could explain for us briefly how you worked in New York State to ensure flexibility using New York City as an example?

Mr. EGAN. We approached it by looking at need. We said what are the needs of the traveling public in New York State? I think the fact that we were able to balance and are able to balance the distribution of funding from ISTEA to mass transit, transit in general, and highways and bridges is an indication that we were able to work closely with the mayors and the other elected officials throughout the State.

There is no question there will always be those who feel they have been shortchanged. When you have the needs that are evident in New York State as I mentioned earlier, there just hasn't been enough money available. I believe that the legislature in New York State and the Governor, putting together this 4-year program, is demonstrating to the nation that we can make that investment and it is a good investment, and it does not have to deprive any area of the State of transportation funding. That has been our objective, balance.

Ms. MOLINARI. I appreciate your response. I think in recent months, the cities in New York State are feeling more positive about their ability to claim what ISTEA was originally intended to do. I agree with your original assessment that any rewriting is not necessary at this point in time.

Thank you for your hard work.

Thank you, Mr. Chairman.

Mr. RAHALL. Mike, do you have any further comments?

Mr. MCNULTY. I have publicly admitted to the year of my birth and I don't intend to go any further today, Mr. Chairman. [Laughter.]

Mr. RAHALL. All right.

Gentlemen, we thank you for your testimony and helpfulness to the subcommittee today.

Mr. RAHALL. The subcommittee stands adjourned until this Thursday morning at 10 o'clock, same room.

[Whereupon, at 2:20 p.m., the subcommittee was adjourned, to reconvene at the call of the Chair.]

TESTIMONY BEFORE
HOUSE PUBLIC WORKS COMMITTEE
SUBCOMMITTEE ON SURFACE TRANSPORTATION
BY
ALLAN L. ABBOTT
3-1-94

Mr. Chairman, my name is Allan Abbott. I am Director-State Engineer for the Nebraska Department of Roads and also President of the Mississippi Valley Conference of State Highway Officials, the mid-west region of AASHTO.

Mr. Yerusalim's testimony covered many of the concerns of the states of the Mississippi Valley. All of us, I believe, feel the same frustration in dealing with mandates that are well-meaning in intent, but in actuality are in most instances placed on agencies that have no power to enforce them.

Getting legislation passed on the state level under the threat of the loss of trust funds is becoming increasingly difficult when there is not a clear tie to the mandate and the construction of transportation projects. It is difficult to explain to state legislatures, governors, and the public that it is more safe not to have enough money to correct highway deficiencies than it is not to have helmet or seat belt laws. This does not mean that safety is not greatly increased by the use of these items, but punishing a state by not letting it have the revenue to improve the safety of its transportation system seems counterproductive to many.

The crumb rubber issue is another mandate that is difficult to explain. The way it now exists is that, whether or not a state has a program to utilize all the used tires within the state for other purposes, the department of transportation of that state must still comply with the percentages even if it must import tires to do so. Mr. Chairman, I have difficulty explaining that logic to both my governor and my state legislature.

The metric signing issue is another concern to the states within the Mississippi Valley. In addition to the problems in Mr. Yerusalim's testimony, I believe that there is also a major cost involved with the rewriting of driver examination manuals, etc. that will be required before a metric signing conversion can take place. Here again, there will not be an easy time when state legislators, city councils, etc. must revise all existing laws converting speed limits, parking requirements, etc. that are now in English units to metric, unless the appropriate education process has been carried out nationally.

All Mississippi Valley states endorse the comments made by Mr. Yerusalim regarding NHS and Clean Air.

ALA/b

NAGHSR

National Association
of Governors' Highway Safety Representatives

Statement of James A. Arena
NAGHSR Chairman
Before the Surface Transportation Subcommittee
House Public Works and Transportation Committee
March 1, 1994

James Arena
Chair
William Leighty
Vice Chair
John Conger
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Susan Bryant
Secretary
Barbara L. Harsha
Executive Director

I. Introduction

It is a pleasure to appear before you today to discuss amendments to the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA).

I am James A. Arena, Governor's Representative for New Jersey, Director of the New Jersey Division of Highway Traffic Safety and Chair of the National Association of Governors' Highway Safety Representatives (NAGHSR). NAGHSR is the national association of state highway safety offices. Its members are appointed by their Governors to develop and implement their state highway safety programs and to administer the federal highway safety grant programs for their respective states. The Association is primarily concerned about driver behavior issues (such as impaired driving, occupant protection, pedestrian, bicycle, and motorcycle safety) as well as truck safety, roadway safety, emergency medical services, and safety management systems.

My testimony will be directed to three specific issues which may be considered as part of the National Highway System (NHS) bill this year. They are: retention of the 153 penalty provisions; increased funding for the 410 program; and deletion of the radar detector study language.

II. 153 Program

ISTEA created a new Section 153 program (23 U.S.C. 153) which provides states with incentive grant funds if they adopt both mandatory motorcycle helmet laws and safety belt laws and satisfied specific usage requirements. Section 153 also redirects federal highway construction funds into safety programs of those states that do not adopt both mandatory laws. In FY 93, 22 states, Puerto Rico and the District of Columbia qualified for 153 funds. Twenty-eight states are not currently eligible for 153 grants because they do not have one or both laws.

As you know, bills have been introduced in the House and Senate which would delay the 153 penalties or rescind them altogether. NAGHSR remains strongly opposed to those proposals.

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NAGHSR firmly believes that mandatory safety belt and motorcycle helmet use laws work. Safety belt use reduces the risk of fatal or serious injury by 45% - 55%. NHTSA estimates that 5,226 lives were saved and 136,100 moderate-to-severe injuries were prevented by safety belts in 1992 alone. An estimated 34,794 lives were saved between 1983 and 1992. By buckling up, motor vehicle occupants saved an estimated $3.6 billion (including $508 million in costs directly paid by the public) in medical and other costs in 1990. According to NHTSA's recent report, Saving Lives and Dollars: Highway Safety Contribution to Health Care Reform and Deficit Reduction, if the safety belt usage rate increased to 75% and there was a 3% decline in impaired driving fatalities, then lifetime health care costs and the income tax burden could both be reduced by 7% or $1.43 billion a year.

NHTSA also estimates that motorcycle helmets are estimated to be nearly 30% effective in preventing motorcyclist fatalities and are the single most effective way to prevent such fatalities. Between 1982-87, NHTSA estimates that 4,645 lives were saved by motorcycle helmets. If every rider had been wearing helmets during that same time period, more than 9,000 lives could have been saved. The Agency estimates that in 1992 alone, helmets saved 559 lives. If all motorcyclists had worn helmets, an additional 297 lives could have been saved. According to NHTSA's 1991 observational survey, the usage rate for states that have mandatory helmet laws is nearly 100% since enforcement of such laws is so easy. For states without such laws or states with laws limited to minors, usage rates ranged from 34% - 54%.

Further, NAGHSR believes the penalty provisions are far more preferable than traditional sanctions which are often counterproductive. Safety-related sanctions may exacerbate a safety problem by withholding the very construction funds which could be used to improve roadway safety. Further, sanctions generally do not link a problem with an appropriate solution. For example, states must provide effective control of outdoor advertising signs along certain federal-aid roads or risk losing 10% of Interstate and other construction funds. In legislation introduced last year in the Senate, states must enforce pedestrian safety laws or risk having the speed limit lowered on their portion of the Interstate system. In neither example do the penalties "fit the crime" or help alleviate the problem. Unlike sanctions, the redirection provisions directly link a safety problem (inadequate occupant protection) with a safety solution (increased funding for occupant protection and other safety programs.)

Most importantly, redirection does not cause a state to lose any of its highway construction funds. At a time of burgeoning state deficits and increased state needs, any federal action which allows the state to keep funds is a welcome approach. The Association believes that the 153 penalty provisions are a precedent-setting alternative to sanctions. If the redirection language is sustained, then Congress can

move away from onerous sanctions in other legislation and move toward approaches that encourage states to act without forcing them to do so.

We also feel that the redirection provisions have been very effective. Since enactment of the Section 153 program, North Dakota, South Dakota, West Virginia, Vermont, Massachusetts and Nebraska have adopted safety belt laws, and Maryland has enacted a motorcycle helmet law. Many state legislatures have been motivated by the threat of federal penalties to consider mandatory motorcycle helmet and safety belt laws during the current legislative session.

Additionally, NAGHSR -- an association of state agencies -- does not support the argument that states' rights are more important than public safety. Opponents of the 153 redirection provisions have argued that it is a state and not a federal responsibility to regulate motorcycle helmet use and that the 153 provisions are an infringement of states' rights. NAGHSR feels that such arguments are misleading and without merit. We believe that the motorcycle advocates have usurped the states' rights argument because it was convenient for them to do so and is consistent with their opposition to mandatory helmet laws.

Congress frequently preempts states' regulatory authority where there is a compelling health or safety problem and when there are effective means for solving that problem on a national basis. Federal highway design standards for the National Highway System, federal truck size and weight regulations, and federal hazardous materials regulations are but three examples of safety-related preemption. In each of those instances, Congress has exercised its legitimate legislative responsibility to preempt weaker or ineffective state laws where it was in the public interest to do so.

In the past, the House Public Works Committee has unhesitatingly taken action when the members perceived a safety problem for which there are effective, viable solutions. NAGHSR believes that 2,400 motorcycle deaths in 1992 constitute a significant public health and safety problem. We also believe that there is clear and convincing evidence, as shown in numerous studies, that motorcycle helmets are the most effective way to prevent fatal and serious motorcycle injuries.

A few state legislatures have tried to circumvent the intent of the 153 program by adopting motorcycle helmet laws that allow secondary enforcement. Under such laws, a motorcycle rider could be given a citation for noncompliance only if he or she is stopped for some other traffic violation. In its implementing regulations, NHTSA has not allowed states with secondary helmet laws to be eligible for 153 grants

since secondary enforcement would dilute the effectiveness of the mandatory use law and send a mixed message to motorcycle riders. NAGHSR strongly concurs with this interpretation.

Several other states are seeking NHTSA's approval for proposed helmet laws that have no penalties. We believe that such laws provides no incentive for rider compliance and no incentive to the enforcement community to enforce them. The clear purpose of these proposals is to circumvent the intent of the 153 penalty provisions. NAGHSR strongly opposes these non-penalty helmet laws and urges NHTSA to disapprove them.

NAGHSR believes that any weakening or delay of the penalty provisions will send a message to the states that the penalties should not be taken seriously - a message that we do not support. We believe that a delay or weakening of the penalty provision will subvert state efforts to pass mandatory motorcycle helmet bills. This, in turn, will cause the states to relinquish the public safety benefits inherent in such laws. We urge the House Public Works and Transportation provisions to retain the penalty portions of the 153 program, as authorized.

III. 410 Program

Under ISTEA, the Section 410 Drunk Driving Prevention grant program (23 U.S.C.410) was refocused on five of the most significant impaired driving activities that states could undertake. The eligibility criteria were also restructured so that they were more performance-oriented -- a goal that NAGHSR strongly supports.

As a result of the changes to the 410 program, nearly half of the states qualified for 410 grants in FY 93. The 410 program has been instrumental in motivating states to pass administrative license revocation legislation -- one of most effective impaired driving countermeasures -- to close the loopholes in underage drinking laws, and to make their state and local impaired driving programs more self-sufficient. In the last year alone, and largely due to the 410 incentive grant program, there was a flurry of state activity on impaired driving legislation. Five states enacted .08 BAC laws, seven states adopted .02 BAC laws for underage drivers, and two states adopted administrative license revocation laws.

We are pleased that the Administration has requested $25 million (the authorized level) for the 410 program in FY 95. However, we do not feel that this amount will be enough, given the large number of applicants to the program in FY 95 and beyond. If all the eligible states were funded in a manner consistent with the statutory formula, $29 million in 410 funds should have been appropriated in FY 93.

In FY 94, it is anticipated that at least 30 states will be eligible for 410 grants. If all eligible states were fully funded, at least $36.25 million would be needed. Since the program was not authorized at adequate levels, the 410 allocations to eligible states have had to be proportionately reduced in both FY 93 and 94, and as a result, some of the positive impact of the program has been diminished. (Allocations were reduced to 79.9% of the amount to which an eligible state is entitled in FY 93, and the reduction is likely to be greater in FY 94 since even more states may qualify.) In other words, the program has been more successful than this Committee originally envisioned which has caused a shortfall in annual program funds.

Later this year, this Committee will consider a new impaired driving incentive grant program -- the High Risk Drivers Act. While we think that proposal has considerable merit, we believe, as does the Mothers Against Drunk Driving, that it makes little sense to authorize a new incentive grant program when the existing program is not adequately and fully funded. Therefore, NAGHSR urges this Committee to increase the authorization for the 410 program to $50 million in each of FY 95, 96 and 97.

IV. Radar Detectors

Last year, this Committee included language in the ISTEA technical corrections bill which would require the Department of Transportation to study the relationship of radar detector devices to motor vehicle crashes and to report to Congress on the results. NAGHSR strongly opposed the study then, and we continue to do so now.

The proposed study would undermine the FHWA radar detector ban and force the Agency to reconsider it even though FHWA has been studying this issue for some time. NAGHSR does not believe that additional study is either necessary or desirable.

NAGHSR also believes that the proposed $500,000 study is a waste of taxpayers' money. The FY 94 DOT appropriations bill directs the Federal Highway Administration to use Motor Carrier Safety Assistance Program (MCSAP) funds to study the issue and determine "whether commercial motor vehicles with radar detectors are over-represented in crashes that involve speeding by operators of commercial motor vehicles." (Senate report 103-150)

NAGHSR believes that there is substantial research on the relationship of radar detectors and excessive speed as well as on the relationship of speed to motor vehicle fatalities. For example, a 1990 Insurance Institute for Highway Safety (IIHS) study that at least 52% of all trucks and 50% of the trucks carrying

hazardous materials were using radar detectors. That study also found that, regardless of the posted speed limit, trucks with radar detectors were more likely to speed than those without.

In one of the definitive studies on the relationship of speed to crashes, a National Research Council study of the impact of the 55 mph speed limit imposed in 1974 found that the lowered national speed limit saved an estimated 2,000 - 4,000 lives and 2,500 - 4,500 critical injuries. Subsequent studies by NHTSA and IIHS confirmed the relationship between increased speeds and increased motor vehicle fatalities

According to NHTSA, unsafe speed is one of the most common driver errors causing a crash and is a major factor contributing to approximately one-third of all crashes. NHTSA has also found that crash severity increases disproportionately with speed at impact. That is, the higher the speed, the more severe and disabling the injury. In a crash between a truck and a passenger vehicle, car occupants are 89 times more likely to be killed than the truck occupants. So as trucks speed, the likelihood of a fatality or severe injury involving the truck and another vehicle increases disproportionately.

The Association believes that it would not enhance safety to fully document the effects of radar detector use on speed and crash involvement. We believe that existing research, combined with the experience of state and local law enforcement agencies, is sufficient to justify FHWA's action on radar detectors.

The proposed study implies that the use of microwave technology in radar detectors may have public safety benefits -- a position NAGHSR finds without merit. Radar detectors have no proven safety benefit. They exist for one purpose and one purpose only -- to help motorists break speed limit laws.

We believe that the proposed study creates a cover of respectability for radar detectors and a reason to undermine the FHWA rulemaking. NAGHSR urges you to oppose the study.

Mr. Chairman, this concludes my remarks. I will be pleased to answer any questions you may have about the statement. Thank you for the opportunity to address the concerns of the National Association of Governors' Highway Safety Representatives on amendments to the NHS bill.

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STATEMENT BEFORE THE

SUBCOMMITTEE ON SURFACE TRANSPORTATION

OF THE

HOUSE PUBLIC WORKS AND TRANSPORTATION COMMITTEE

Relating to

THE NATIONAL HIGHWAY SYSTEM

By

STEPHEN J. DEL GIUDICE
Council Member, Prince George's County (Maryland) Council

On Behalf of the

NATIONAL ASSOCIATION OF REGIONAL COUNCILS
TRANSPORTATION GROUP

March 1, 1994

1700 K Street, N.W., 13th Floor • Washington, D.C. 20006 • 202/457-0710 • FAX: 202/296-8352

Good Morning. Mr. Chairman and Members of the Subcommittee, my name is Steve Del Giudice. I am a member of the Prince George's, Maryland, County Council, and Chair of the National Association of Regional Council's (NARC) Transportation Group, which I am representing today. I also am Chairman of the Metropolitan Washington Council of Government's Transportation Planning Board, the Metropolitan Planning Organization for the Washington, D.C. region. NARC is the only national organization that represents the views of Metropolitan Planning Organizations. Among NARC's Transportation Group members are MPOs representing the country's largest metropolitan areas as well as representatives of medium and smaller-sized regions.

NARC and our member MPOs worked with the U.S. Federal Highway Administration and the State Departments of Transportation in identifying routes for the illustrative National Highway System (NHS), and as required by ISTEA, in further refining the list of proposed NHS routes that have been submitted for Congressional approval. We appreciate your invitation to appear before the committee to share with you our views on the National Highway System and the National Transportation System. I request that our specific recommendations regarding legislative adoption of the NHS, which are attached to the written testimony, be included in the record.

First, I want to commend you, Chairman Rahall, as well as the leadership and members of the entire Public Works and Transportation Committee, for your commitment to the implementation of ISTEA's vision of a strengthened federal, state, and local government partnership, as well

as your commitment to greater public participation. While ISTEA provides for an enhanced role for local elected officials in the investment decision making process, your oversight and support has been crucial to fulfilling that vision. The effort to identify and select routes for the proposed NHS required the involvement and cooperation of local elected officials, state departments of transportation, and the U.S. Department of Transportation. This was one of the earliest tests of the new partnership approach, and in general, the results were good. Some local elected officials expressed disappointment with the consultation process, but overall the process appeared to work relatively well. The maps were delivered to you before the deadline, and with few complaints. This process, while not perfect, is nonetheless a demonstration of the value and effectiveness of the new partnership approach.

With respect to the National Highway System, let me begin by saying that NARC wholeheartedly concurs with U.S. Transportation Secretary Federico Peña that the designation of the NHS is the first step towards the creation of a multimodal National Transportation System (NTS). Continued economic growth requires greater efficiency of, and public and private investment in, the entire transportation system. We support the Administration's plans to undertake a major outreach effort to identify the most critical components of the NTS, and to provide a forum to discuss how we should work towards the development and maintenance of a more fully-integrated transportation system. We urge you in your NHS legislation to declare your intent to adopt a NTS, of which the NHS is a subcomponent, and to express the goal of authorizing federal financial participation in the NTS, when ISTEA is reauthorized.

NARC members believe the National Highway System must be fully woven into the fabric and

plans of the cooperative planning process in metropolitan areas. The NHS is a dynamic system, and in metropolitan areas, it should be allowed to continue to evolve through that cooperative planning process. To that effect, we support the provision contained in the Administration's legislative proposal for adoption of the NHS that would give the Secretary the discretion to modify the NHS to accommodate changes identified through the statewide and metropolitan planning processes. Additions of routes on new alignments should be subject to the new FHWA/FTA "Major Investment Analysis" requirements.

We also believe the statewide and metropolitan planning process is the logical mechanism to guide the investment decision making process. More specifically, within metropolitan areas, the major investment analysis process required under U.S. DOT's metropolitan planning rules should be the basis for project selection where expanded capacity is being considered. Major investment analysis is an appropriate tool for determining whether NHS funds should be spent on capacity projects on the NHS, or other arterials, transit, or some other alternative that more effectively serves the corridor. Moreover, to facilitate the development of the most effective projects where capacity expansion is needed, we suggest that you consider modifying the NHS eligibility provisions of ISTEA in two ways. First, allow the use of NHS funds on projects that are most functionally effective in the corridor, and second, withdraw the current requirement that any substitute project must be physically adjacent to the NHS route.

While these and perhaps other minor adjustments could be helpful to ISTEA's implementation, one of the most important ingredients is the partnership approach. In many areas of the country, we have seen dramatic growth and improvement in the cooperation, coordination, and

communication among partners and stakeholders. We believe the successes in these areas will increasingly spread across the country once the non-believers see the positive effects. However, one aspect continues to hinder the planning process, and could be strengthened -- that is, an early agreement between the states and MPOs regarding how all ISTEA funds, including NHS funds, will be distributed. Without this information, it is impossible to develop financially constrained plans and programs. We urge you to establish a process for the short- and long-range distribution of all ISTEA funding categories, including NHS funds, as the basis for preparing long-range plans and improvement programs.

Mr. Chairman, I am certain that over the next few weeks of hearings on the NHS, you will receive many recommendations and much good advice on modifying ISTEA. While some minor modifications may be helpful, we urge you to preserve the vision of ISTEA, and to avoid major substantive changes that could significantly alter the rules of the game before the process has had an adequate chance to take hold and grow. Finally, we think the principles I have enunciated here today can be accommodated by much of what Secretary Peña has proposed in his recommendations to Congress on the adoption of the NHS. Thank you for this opportunity to provide our views on the NHS.

STATEMENT OF PRINCIPLES

FOR THE

NATIONAL HIGHWAY SYSTEM

With the near completion of the Interstate Highway System, the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) established a new direction for federally supported transportation programs. ISTEA changes the predominant focus from federal financial support for facility construction to that of management of an integrated multimodal transportation system. ISTEA requires greater disclosure of, and accountability for, the impact of transportation decisions on energy use, the environment, regional community and economic development, and overall quality of life.

ISTEA's program architecture, was designed not only to encourage greater system efficiency and enhanced mobility, but to support the achievement of other federal goals such as attainment of air quality standards, greater access to jobs and housing, and strengthened interstate and international commerce. To accomplish this vision, ISTEA eliminates the old federal-aid highway system funding categories, emphasizing management of existing transportation systems, and providing for funding flexibility.

ISTEA, however, retains substantial federal focus on a 155,000-mile network of highway facilities, which includes the already constructed 44,000-mile Interstate Highway System and other "designated" principal arterial highways. The states have submitted to U.S. DOT proposed routes to be included on the NHS, which Congress must approve by September 30, 1995. Funding for the NHS program is not based on an estimate of the "cost-to-construct" the system, nevertheless, the program authorization level reflects a substantial federal focus on, and commitment to developing, the NHS.

The National Association of Regional Councils (NARC) did not support the concept of the NHS as initially conceived because the majority of the association's members believed that such a system would perpetuate the modal highway construction bias, would force federal-aid transportation funds away from metropolitan areas where new highway capacity expansion is limited, and would fail to focus scarce federal transportation resources in metropolitan areas where the bulk of congestion exists. It is these metropolitan areas that are the Nation's economic engines and where the challenges of congestion and mobility are greatest.

NARC continues to believe that the federal transportation program must redirect appropriate resources and attention to the regional transportation system needs of our metropolitan areas, and that in metropolitan areas, state and local officials through the metropolitan planning process should have the flexibility to use all available federal transportation funds, including NHS funds, to support a more efficient, integrated Metropolitan Transportation System. NARC urges the Congress to recognize and incorporate the following principles in legislation approving the

National Highway System:

- **The Congress should adopt the National Highway System (NHS) as a sub-component of a multimodal National Transportation System (NTS) to be defined through the next reauthorization of the Intermodal Surface Transportation Efficiency Act (ISTEA).** Our Nation's metropolitan areas, towns, and rural communities are linked to each other and to the rest of the globe through an intricate, multimodal transportation system. Mobility within our metropolitan areas involves highways, various forms of mass transit, non-motorized travel, and in some instances, investments in measures that might reduce travel demand. Continued economic growth requires greater efficiency of, and investment in, the entire transportation system. Therefore, the federal transportation program should permit maximum flexibility in the use of NHS funds. Legislation adopting the NHS should declare the intent of Congress to adopt, in the next ISTEA reauthorization, a NTS that reflects the NHS as a sub-component.

- **The National Highway System should be a dynamic system. In metropolitan areas it should be ratified and continue to evolve through the metropolitan planning process.** The location of activity centers, development patterns, and commerce flows are in a constant state of flux, and the supporting transportation networks continuously evolve to meet their needs. ISTEA requires that federal transportation investment decisions in metropolitan areas be based on a long range metropolitan planning process, which is financially constrained, and that gives priority to system preservation, fully considers impacts on the environment, development patterns, and quality of life, and is consistent with state and/or metropolitan land use policies. The planning process is continuing and dynamic: investment decisions must reflect changing conditions and development choices. Decisions regarding the designation of, and potential investment in, proposed metropolitan routes on the NHS, which are but one component of the total metropolitan transportation system, should emanate from the metropolitan planning process. Moreover, NHS designation and investment decisions, which flow from the metropolitan planning process, should reflect the cooperative partnership between the states and MPOs.)

  NHS routes adopted by Congress should be conditioned, in law, on defining the scope of required improvements through the MPO and state planning process. In particular, proposed routes on new right-of-way in excess of one mile in length should be subject to federal regulations for major transportation investments to consider multi-modal alternatives. Also, additional capacity on NHS routes for single-occupancy vehicles should be subject to air quality conformity and congestion management system requirements.

  Legislation adopting the NHS should provide Secretarial discretion to make changes to the NHS to reflect requirements resulting from the statewide and metropolitan planning processes.

- **Within metropolitan areas, the major investment analysis process required under**

U.S. DOT's Metropolitan Planning Organization (MPO) planning rules should be the basis for determining whether National Highway System funds should be spent on capacity expansion projects on the NHS, or on an arterial, transit, or other alternative that more effectively serves the corridor. Administrative regulations implementing the metropolitan planning provisions of ISTEA require MPOs to conduct rigorous analyses of potential project alternatives where major capacity investments are contemplated or proposed. The major investment analysis procedures are the mechanism to ensure maximum effectiveness of federal transportation investments. The major investment analysis should be the point at which decisions are made to invest in highway capacity expansion or some other non-highway alternative in metropolitan areas. The major investment analysis of NHS projects should be conducted cooperatively by the state and the MPO where the project is located through the normal metropolitan planning process wherein the scope is developed. Legislation adopting the NHS should revise the eligibility to use NHS funds on projects that functional benefit rather than are adjacent to the NHS.

- **Rigid NHS design standards that can be expected to result in a high cost system the Nation cannot afford to build should be avoided. Instead, flexible standards designed to reflect the variety of functions different segments serve, and to blend the system into the communities it serves, should be adopted.**

- **States should be directed to establish, in cooperation with MPOs, the short- and long-range distribution and annual obligation limitations of all ISTEA funding categories, including NHS, as the basis for preparing long-range plans and improvement programs.** ISTEA requires metropolitan transportation plans and programs to be financially constrained -- i.e., plans and programs must include only those projects for which funds are reasonably expected to be available. In order for MPOs to develop financially constrained long range transportation plans and transportation improvement programs, there must be some certainty about the resources that will be available, which is only possible if there are means of assuring equitable distribution of NHS and all other ISTEA funding categories. Moreover, there is a need to assure a continued federal investment in NHS corridors in metropolitan areas, where, because of air quality limitations on the ability to invest in highway capacity expansion, there may be disincentives to direct NHS funds which could potentially be used for other than highway projects. A possible model for equitably distributing funds is the approach previously used to assure central cities received fair and equitable treatment in the use of Federal-Aid Urban System funds within metropolitan areas. This arrangement could be replicated for NHS funds, with the states and MPOs jointly agreeing to criteria for the annual distribution of NHS funds within metropolitan areas within the state.

- **The funding flexibility established by ISTEA for all major funding programs, including NHS, must be preserved.**

TRANSPORTATION ADVOCACY GROUP

RECOMMENDATIONS REGARDING ADOPTION OF THE NATIONAL HIGHWAY SYSTEM

National Transportation System (NTS) Context

- The Congress should adopt the National Highway System (NHS) as a sub-component of a multimodal National Transportation System (NTS) to be defined through the next reauthorization of Intermodal Surface Transportation Efficiency Act (ISTEA).

NHS Changes

- The NHS should be a dynamic system. In metropolitan areas it should be ratified and continue to evolve through the metropolitan planning process. Legislation adopting the NHS should provide Secretarial discretion to make changes to the NHS to reflect refinements resulting from the planning process. Additions of routes on new alignments should be subject to the new FHWA/FTA "Major Investment Analysis" requirements.

Project Selection

- Within metropolitan areas, the major investment analysis process required under U.S. DOT's Metropolitan Planning Organization (MPO) planning rules should be the basis for determining whether NHS funds should be spent on capacity expansion projects on the NHS, or an arterial, transit, or other alternative that more effectively serves the corridor. Legislation adopting the NHS should revise the eligibility to use NHS funds on projects that functionally benefit rather than are adjacent to the NHS.

Standards

- Rigid NHS design standards that can be expected to result in a high cost system the Nation cannot afford to build should be avoided. Instead, flexible standards designed to reflect the variety of functions different segments serve, and to blend the system into the communities it serves, should be adopted.

Fund Allocation

- States should be directed to establish, in cooperation with MPOs, the short- and long-range distribution and annual obligation limitations of all ISTEA funding categories, including NHS, as the basis for preparing long-range plans and improvement programs.

Flexibility

- The funding flexibility established by ISTEA for all major funding programs, including NHS, must be preserved.

STATEMENT BEFORE THE

SUBCOMMITTEE ON SURFACE TRANSPORTATION

OF THE

HOUSE COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION

Relating to

LEGISLATION DESIGNATING THE NATIONAL HIGHWAY SYSTEM AND ANCILLARY ISSUES RELATING TO HIGHWAY AND TRANSIT PROGRAMS

By

DON DILLER

President, Western Association of State
Highway and Transportation Officials
and
Director, Department of Transportation, State of Wyoming

March 1, 1994

WASHTO represents the departments concerned with transportation and highways in the seventeen western states. The Association is organized to encourage transportation improvement through the study of materials, planning, construction, maintenance, operation, administration, and other transportation issues of the states of Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming. The active members of WASHTO are the duly constituted heads and other chief directing officials of the member transportation agencies.

Mr. Chairman, my name is Don Diller. I am the Director of the Department of Transportation for the State of Wyoming and President of the Western Association of State Highway and Transportation Officials (WASHTO). On behalf of WASHTO, I am pleased to accept the invitation to testify on legislation to implement the National Highway System (NHS) provisions of the Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991 and some other issues related to transportation programs.

Mr. Chairman, in addition to my providing WASHTO's formal comments on the NHS, I will also provide our views on the following ISTEA issues related to the Nation's transportation program.

- The need for fully funding ISTEA
- Necessary relief from federal mandates and sanctions imposed on federal-aid programs in ISTEA
- The complexity of transportation issues and the cost of program delivery under ISTEA

Mr. Yerusalim's AASHTO testimony elaborates in depth on each of these issues. As WASHTO's member departments are AASHTO members also, we wholeheartedly endorse his comments. However, it is important to reemphasize these points are important at the regional, as well as national, level.

THE NATIONAL HIGHWAY SYSTEM

When ISTEA was passed in 1991, one of the key pieces of that legislation was the establishment of a National Highway System. One of the critical elements in making ISTEA work is the adoption of a National Highway System. It is safe to say that, with all of our regional and demographic differences, WASHTO, as well as AASHTO, member states universally recognize that establishing a National Highway System is of highest priority to each of the states.

During the process of developing a proposed National Highway System, many states took the initiative to put together regional NHS networks. Such a network was established by ten states in the west. Those ten states developed a joint statement regarding legislation to approve a National Highway System that I have included as part of my testimony. ISTEA has brought many of our states together to work jointly on transportation issues that are of national interest, and this statement is an illustration of only one of several similar efforts. During the process of debating the National Highway System legislation many other transportation issues will come forward. We urge Congress to remain focused on the original intent of ISTEA and to recognize the importance of a National Highway System. Let me elaborate on three issues in regard to the NHS.

1. The NHS should not become a static system. We must be able to adjust the system to meet future opportunities; NAFTA is a case in point. We urge Congress to retain the maximum 178,250 miles as provided by ISTEA to allow future additions.

2. Do not let other issues delay the NHS designation. Our state did not get all that we wanted. We would very much like to have three other routes added. But, because of the overriding importance of the adoption of a National Highway System, we cannot allow such issues to cloud our principal goal. We must have an NHS, even if each state does not get everything it wants.

3. The efforts to change the intent of ISTEA regarding the NHS by sub-allocating funds to metropolitan areas, expanding the role of MPO's in selecting projects, changing the NHS designation process, or limiting the flexibility to use NHS funds are counterproductive. Let the tools in ISTEA--state planning provisions and state flexibility--be used to develop a highway system that is state, regional, and national in scope.

The development of a National Intermodal Transportation System is dependent upon the creation of a National Highway System. The requirements to establish a National Highway System have been fulfilled by the U.S. Department of Transportation, and their proposal has been returned to Congress. Let that highway system be the cornerstone for the National Transportation System. Under any circumstances, a National Highway System will be key to the movement of people and goods and a key to this nation's transportation and economic future.

FULLY FUND ISTEA

The Intermodal Surface Transportation Efficiency Act of 1991 truly changed how states do business. The stringent planning requirements, the development of management systems, the public input process, broadening the use of transportation funds, and the new players brought to the table with ISTEA have put an additional financial burden on states trying to preserve their transportation infrastructure. In order for our states to meet the increased demands of ISTEA and at the same time preserve our infrastructure, it is imperative that ISTEA be fully funded. We appreciate that efforts have recently been made to increase appropriations for ISTEA. The needs are obviously there. Even if ISTEA is fully funded, it is not possible to undertake the important transportation projects we have each identified in our areas for the preservation of the transportation system. We also urge Congress to distribute the maximum amount possible by formula and allow the tools given to us in ISTEA's prescribed planning process to work in guiding the improvement program in each state.

RELIEF FROM FEDERAL MANDATES AND SANCTIONS

There are two particular mandates in ISTEA, both with sanctions attached to them, that have created considerable hardship to most of our states.

A specific requirement on the transportation program in ISTEA is the so-called "crumb rubber" requirement of Section 1038(d) of ISTEA. The requirement for states to use a minimum percentage of asphalt pavement containing recycled rubber from scrap tires is not realistic and imposes onerous penalties for lack of compliance. The reduction in the number of scrap tires in landfills around the country is a laudable environmental goal. There are many problems with Section 1038(d)'s approach to achieving that, however: the likelihood of substantial increased costs for asphalt pavement with a resulting reduction in projects that can be undertaken with given funds; the lack of availability of scrap tires within some states; denial of credit for use of scrap tires in other areas, including but not limited to other highway uses; and concern for unresolved technical, environmental, and health questions associated with the use of recycled rubber asphalt pavement. For these reasons, we urge Congress to repeal, or significantly modify, this requirement before it takes effect.

Another requirement imposed on states by ISTEA which will not take effect until the next fiscal year is set forth in Section 1031 of ISTEA. Under this mandate, states which do not pass state laws requiring both use of motorcycle helmets and seat belts as specified will have to divert highway construction funds into the Highway Safety 402 Program. The motorcycle helmet provision, in particular, is highly controversial in our region and does not meet the strong national consensus test that we think must be met before a condition is imposed on a grant program. Most all transportation departments truly recognize the benefits of seat belts and motorcycle helmets in preventing death and/or serious injury in accidents. We campaign vigorously for people to use both helmets and seat belts. However, we also vigorously feel that it is a state's issue and that the provisions of ISTEA to throw arbitrary amounts of money at the 402 Program as a penalty to those states that do not enact laws will not further advance their use. Perhaps, if the federal government elects to continue to pursue these two issues, a more innovative education and training approach to make helmets and seat belt use an individual's selective choice would be appropriate.

COMPLEXITY AND COST OF PROGRAM DELIVERY

ISTEA has been touted as a transportation bill that allows the states a great deal of flexibility in using federal funds. ISTEA provides for funding in many more categories, both in expanded scope of programs and in delivery to local levels of government. This flexibility is hamstrung, however, by numerous federal

requirements and provisions in ISTEA that make program delivery awkward and time consuming at best. In some cases, project development costs may exceed actual project costs. Following are four illustrations of program delivery problems. Frankly, there are many more.

1. Management Systems

The six management systems created by ISTEA require the states to spend extensive human resources to develop management systems to comply with both ISTEA and the federal regulations resulting from it. The merits of several of the systems are questionable. Some are very difficult to administer. As an example, USDOT has decided that the safety management system must apply to all public roads. States are therefore required to extend the system over many roads they have no jurisdiction over. In Wyoming, for example, there are approximately 39,000 miles of public roads, yet only 6,770 are under the jurisdiction of the state. The other 32,230 are the responsibility of some 120 local governments--cities and counties--and the federal government. To develop a safety management system for all 39,000 miles, by reviewing accident history and road conditions and then prioritizing needs; seeking local support and funding; and developing an improvement program, has become a near impossible task.

Similar requirements exist with the pavement management system. ISTEA requires that a pavement management system be developed for all Federal-aid highways. Some Federal-aid highways are under the jurisdiction of relatively small (5,000-15,000 population) cities that either are not receptive to the Department's pavement management process or do not want to participate in the funding of a pavement management system. If ISTEA or the implementing rule had allowed for some exceptions for small jurisdictional bodies, it would have been of some help. We would support a rule change or "technical" amendment to ISTEA to ease this burden.

2. Enhancements

The enhancement program is particularly difficult to deliver. Passage of the Enhancement portion of ISTEA has made it necessary for the states to look at many nontraditional programs (historical preservation and landscaping, for example). The ballyhoo and publicity tied to the enhancement portion of ISTEA created enormous interest among local jurisdictions and other nontraditional transportation groups. In rural states with relatively limited resources, both for enhancements and traditional transportation projects, the amount of funding going to each individual enhancement project is relatively small. Although local jurisdictions and others are very excited

about receiving enhancement funds, they are quickly becoming disillusioned when they find out they must meet all Title 23 requirements and other federal regulations in order to use even the smallest amount of enhancement funds. The Title 23 burdens placed on the smallest of contracts need to be changed if we ever want to effectively deliver enhancement projects to local jurisdictions and others.

3. Transit

Small rural transit operators do not require large amounts of federal money to support their transit operations. In Wyoming, for instance, there are 42 Section 18 transit operators. Twenty-two of those can effectively run a rural transit operation for a small community with less than $20,000 annual federal support. There have not been adequate rural transit funds in the past. Once again, the burden of federal regulations that comes with every federal dollar makes it extremely difficult for small towns to go through all the federal requirements for such a small amount of federal funding. This situation will become even worse once the drug and alcohol testing requirements come on line. Anything to provide regulatory relief for small federal dollar users in this area would be an improvement. Wyoming finds it necessary to fund many of the small transit programs with state dollars in order to remove some of the federal regulatory burden from these small jurisdictions. Some lifting of administrative burden to the local rural transit operators is necessary.

4. CMAQ

Some rural states have very small areas that do not meet air quality requirements. The transfer of CMAQ funds to other programs in the state has been held up while EPA and USDOT sort out the requirements of ISTEA and the 1990 CAAA. Although it is anticipated all CMAQ funds will not be required for the relatively small areas, the money is standing unused, yet nontransferrable. Now that we are in the third year of ISTEA, the amount of CMAQ funds unused is becoming substantial.

CONCLUSION

Mr. Chairman, this concludes my testimony. I welcome any questions.

Thank you for this opportunity to provide my views on the NHS and some related issues.

Joint Statement of the Transportation Departments of Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, North Dakota, South Dakota, Utah, Wyoming Regarding Legislation to Approve a National Highway System

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On December 9, 1993 the U.S. Department of Transportation (DOT) and the Federal Highway Administration (FHWA) forwarded to Congress the Administration's proposal for a National Highway System (NHS). The proposal consists of: (1) route designations; and (2) draft legislation. Our State Transportation Departments believe that the Administration proposal is a good one.

The route designations proposed by DOT/FHWA for our states are generally sufficient to ensure that our citizens are connected to the rest of the nation and the world, and that all citizens of our nation are connected to the natural resources, national parks, cities and other points of national importance in our region. However, to allow for inclusion of some additional routes now and in the future, we suggest that Congress keep the maximum NHS mileage of 178,250 as provided in ISTEA.

We strongly commend the Administration for continuing the provisions in current law vesting NHS decision making authority below the Federal level in state governments. Allowing local governments to provide advice and input strikes the proper balance in designating NHS routes.

We also note that, by law, if the Congress does not approve NHS designations by September 30, 1995, distribution of a significant portion of Federal-Aid highway funds would be halted. Any such disruption to the highway program would be totally contrary to the national interest in delivering transportation services to our citizens. To avoid any such result, and to allow state governments to plan and develop their needed transportation improvements, we urge Congress to pass legislation approving the NHS as soon as possible and well before September 30, 1995.

Finally, we take this opportunity to urge Congress to fully fund ISTEA. We believe that, in enacting ISTEA in 1991, the Federal Government recognized that an improved surface transportation infrastructure is an essential component of a strong economic future for our nation. ISTEA will not fulfill its promise without full funding at authorized levels or without timely approval of NHS legislation.

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TESTIMONY OF

JOHN C. EGAN
COMMISSIONER

NEW YORK STATE DEPARTMENT OF TRANSPORTATION
1220 WASHINGTON AVENUE
ALBANY, NEW YORK 12232

Before the

SUBCOMMITTEE ON SURFACE TRANSPORTATION
HOUSE PUBLIC WORKS AND TRANSPORTATION COMMITTEE

March 1, 1994

TESTIMONY BY JOHN EGAN
COMMISSIONER OF THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION
BEFORE THE SUBCOMMITTEE ON SURFACE TRANSPORTATION
HOUSE PUBLIC WORKS AND TRANSPORTATION COMMITTEE

INTRODUCTION

The New York State Department of Transportation (NYSDOT) submits the following views concerning designation of the National Highway System and other issues concerning surface transportation programs to Chairman Rahall and the Subcommittee on Surface Transportation. The NYSDOT has responsibility for a $2.4 billion annual highway construction program, a $1.3 billion annual transit operating and capital assistance program, and planning, financing and oversight of rail passenger and freight, aviation and water borne transportation in the State of New York. Our State is just beginning the implementation of a $21 billion, multi-year transportation financing package for both highway and mass transit capital programs, with each mode receiving nearly $10 billion in federal and state funds. Federal funds comprise about 40 percent of both highway and transit capital spending in New York.

As a multimodal transportation department, we would like to share our experience in implementing ISTEA with the subcommittee and offer our recommendations on designation of the National Highway System and related issues.

REAUTHORIZATION ISSUES

<u>In NYSDOT's view, ISTEA is working and should not be prematurely adjusted.</u>

As a multimodal transportation department, New York was not just in a good position to implement ISTEA, we had already practiced many of the new principles contained in ISTEA. New York had strong Metropolitan Planning Organizations (MPOs), that operated by consensus, produced fiscally constrained five year Transportation Improvement Programs, included transit operators as equal members, and had multimodal responsibilities. New York State spends half of its combined federal and state transportation capital funding on mass transit, and ISTEA provided additional opportunities to flexibly use certain federal categories. New York has taken advantage of this flexibility to transfer over $250 million of flexible highway funds to mass transit in just the first two years. New York has tried to live up to the spirit of the act, and I believe has been successful in many aspects.

Certainly there are improvements that states and MPOs can make, such as faster obligation of the new Congestion Mitigation and Air Quality Improvement program funds and new ways to involve the public throughout the transportation planning process, and I am

committed to working towards them. But states and MPOs need more time to understand the many new ISTEA provisions, and develop localized methods to implement them. It should be remembered that the multimodal long range metropolitan plans and statewide transportation plans required by ISTEA that will guide future transportation investments are just now being developed. These documents will address the many requirements contained in ISTEA and influence transportation decisionmaking in the future.

Many of the federal rules and regulations which states and MPOs need to implement the new features are still under development or have only recently been issued by USDOT. The MPOs are sorting out their new responsibilities and developing the plans and programs that will guide local transportation investment decisions.

The authors of ISTEA provided an opportunity for a possible mid-course correction of this landmark Act with the September, 1995 required approval of the National Highway System (NHS). It is New York's view that time and stability are needed to fully realize the potential that ISTEA offers and implement the Act as Congress has intended. I believe that no substantive changes should be made to ISTEA programs at this time. It is too early to fix perceived problems which may be temporary. More experience is needed to identify real problem areas and develop appropriate remedies before making any significant changes to the Act.

Further allocation of ISTEA funds to metropolitan areas or to particular programs will undermine the flexibility provided to States.

Some have advocated the need to further allocate certain highway funding categories to individual metropolitan areas and to allocate annual highway obligation authority to specific categorical programs. Each of these suggestions reflects the perception that the unprecedented flexibility given to states and MPOs in deciding the best use of transportation funds is not working as some envisioned. However, these suggestions would impose additional federal mandates on where a state's funds should be spent, and reduce the flexibility to use funds based on local and statewide priorities that is the philosophical basis of ISTEA.

Nearly all federal highway funds apportioned to New York State are allocated to our regional offices for use locally by formulas related to transportation needs. Any additional federal requirements to provide specific categories of federal funds to metropolitan areas would distort our needs based allocation process and diminish the state's flexibility to address regional and statewide transportation needs.

We urge the Committee to not overreact to the concerns some parties have with the uneven results of certain local decisions on how ISTEA funds are used. There are many positive reactions to many of

the decisions made as part of the ISTEA process that are not heard. The tools and flexibility for making transportation investment decisions based on the individual needs and circumstances of each state and locality are currently contained in ISTEA and should be left in place.

Full funding of ISTEA highway and transit authorizations would allow states and MPOs to meet the expectations raised by the Act.

The flexibility provided by ISTEA is improving the ways that states and MPOs address critical transportation needs. However, ISTEA raised the expectations of all of us concerned with transportation. Expectations included more money for state DOTs for multimodal transportation purposes, more money for MPOs, more money for transit, more money for local officials and more money for projects that clean our air and enhance our environment. But so far, there has not been full funding of the authorization levels for the federal highway and transit programs in ISTEA.

The Administration has proposed near full funding of ISTEA highway and transit programs in the FFY 1995 budget. We applaud this commitment to transportation and urge Congress to provide at least that level of funding. However, there is still great competition for these limited funds, and many important transportation needs are not being met. The best way to ensure that the goals of ISTEA are fulfilled is to provide full funding of both the highway and transit authorizations for the remainder of the Act. At some point, states and localities will also need funding to make up for the shortfalls that occurred in ISTEA's early years.

NATIONAL HIGHWAY SYSTEM

New York's NHS was developed in cooperation with the MPOs and accommodates 40 percent of the state's motor vehicle travel.

The designation and maintenance of a National Highway System is critical to improving mobility and supporting the economies of the states and nation. The NHS is not only important to automobile users, but also to transit users and all who rely on freight movement. New York has developed its NHS in a cooperative effort with its MPOs. The system submitted to FHWA last summer included nearly 4900 miles, about 200 miles under the mileage allocated to us by FHWA. New York is one of only seven states to propose less mileage for its NHS than the target mileage provided by FHWA. New York's NHS includes about 4 percent of the states highway mileage and accommodates 40 percent of motor vehicle travel.

New York's NHS is not an expressway building program. About 64 percent of New York's recommended NHS is made up of highways with four or more lanes. Only 7 miles of new planned facilities are included in our recommended system.

New York's NHS is intermodal.

New York's NHS is intermodal, connecting to the state's major Amtrak stations, airports, ports, and other intermodal facilities. The NHS also provides the right-of-way on which many local and intercity buses operate. We are reviewing additional intermodal facilities for inclusion in New York's system and will be providing these to FHWA in the near future.

The capital needs to preserve and improve New York's NHS greatly exceed the federal funds apportioned to New York for that purpose.

The capital needs on the NHS routes submitted to Congress are substantial. The $290 million per year that New York receives in NHS and Interstate Maintenance program funds are able to finance only a small portion of the needs to maintain pavement condition, rehabilitate bridges, make safety improvements, and increase mobility on NHS routes. Although we welcome the flexibility to transfer NHS funds for other purposes, given the shortage of federal funds, we will severely constrained in our ability to transfer NHS funds to non-NHS uses in the near future and still maintain the condition of these important facilities. A continued partnership of federal and state funding will be required to address our NHS capital needs.

There is a need to rehabilitate portions of the NHS and maintain the entire system in good condition. However, we are concerned that states be allowed flexibility in deciding appropriate standards for various parts of the system, and not be held to rigid national standards.

A particular problem for New York, and other states with urban highways that predate the federal Interstate Construction program, is that many of these urban highways were not originally built to federal standards. This includes interstate highways as well as other arterials and parkways. In most cases, there is not sufficient space, funding or community and environmental support for expanding these facilities to meet federal design standards. It would be a waste of public funds to force states and cities to rebuild these highways to a higher and much more costly standard. We believe that exemptions from current design standards should be allowed for these urban highways that are included on the NHS.

Connecting to International Border Crossings is an important function of the NHS.

The NHS connects to New York's eight major international border crossings with Canada. These border facilities are vital to continued growth in international trade. One-quarter of all U.S. trade with Mexico and Canada (valued at nearly $60 billion annually), passes through New York's borders. Most of the trade passing through New York's borders originates from or is destined

to other states, using the Empire State as a bridge.

International trade is a national issue, as it impacts many sectors of the U. S. economy and most states. Obviously, the Federal government has a major responsibility for international border crossings. The burden of providing and maintaining facilities for international trade which benefits the entire nation should not fall primarily upon the border states. We strongly believe that a special federal program should be provided to the border states to address this national need for improved border facilities. We will come back to the committee at a later date with recommendations to improve border transportation infrastructure.

A simple process needs to be developed to make changes to the NHS in the future.

In the months since our NHS was submitted to FHWA, we have identified several changes that need to be made. Many of these are minor corrections or unintentional oversights. In addition, we have worked with one Congressman on identifying an additional highway segment which should be added to the system, and we will provide this recommendation to FHWA.

The NHS is a dynamic system which will require changes from time to time. As this Committee considers NHS approval, it should also consider a process to modify the NHS in the future as changes become necessary. We recommend that a simple process be developed with FHWA making the changes, and not requiring periodic Congressional approval. This process should be included in the NHS legislation. We also ask that Congress work with the states in making any modifications to the current NHS before final approval.

The NHS is the first essential element of a National Transportation System and should be approved in a timely manner.

The NHS is the first component of a National Transportation System. As the backbone of this multimodal system, the NHS should be approved by Congress well before the September, 1995 deadline. We believe that this approval can be best achieved by keeping the NHS bill free of any controversial changes to ISTEA programs and funding formulas.

NATIONAL TRANSPORTATION SYSTEM

A process similar to that used to designate the NHS should be used to develop the NTS.

The NHS process began about five years ago. Similarly, the NTS process will take time to develop system concepts and the criteria and thresholds for including appropriate portions of the various modes. New York recommends that a process similar to the process used for the NHS be used to develop and designate a NTS. Such a

process would rely on the state DOTs to coordinate development of the NTS, working with MPOs, transit operators, railroads and other public and private transportation agencies to recommend regional components of the system based national criteria. The NHS bill now being developed could legislate such a process, and require the Secretary of Transportation to submit a recommended NTS to Congress for approval by September, 1997 when ISTEA must be reauthorized.

SPECIAL PROJECTS

New York supports the authorization of funds for appropriate, well planned projects.

This Committee has expressed interest in including additional, high priority transportation project authorizations as part of the NHS bill. New York State DOT supports the inclusion of appropriate, well planned projects in the bill. Virtually all of the projects submitted to the Committee by New York members are already contained on metropolitan and statewide Transportation Improvement Programs, or were not included because they lacked sufficient funding. Two non-highway projects that recently came to our attention, and merit particular consideration and funding, are the reconstruction of the Whitehall ferry terminal and implementation of a new Staten Island to midtown-Manhattan ferry service originally authorized in ISTEA.

We oppose efforts to rescind federal funding for important projects authorized in prior legislation.

There have been a number of efforts recently to rescind unobligated balances for certain highway demonstration projects authorized in prior legislation. States and localities have proceeded to plan and design these projects based on this past federal commitment. New York opposes the rescission of funds for these important projects that are in various stages of development.

CONCLUSION

In closing, both time and stability are needed for all of us involved in transportation to implement the many new features of ISTEA. There may be some early difficulties, but the success will come. The best way to ensure that the goals of ISTEA are fulfilled is to provide full funding of both the highway and mass transit authorizations for the remainder of the Act. This one action will do more to fulfill the many expectations than will additional mandates that reduce flexibility.

Maryland Department of Transportation
State Highway Administration

O. James Lighthize
Secretary
Hal Kassoff
Administrator

MARCH 1, 1994 TESTIMONY BEFORE THE
HOUSE OF PUBLIC WORKS
COMMITTEE - SURFACE TRANSPORTATION SUBCOMMITTEE
BY HAL KASSOFF, MARYLAND STATE HIGHWAY
ADMINISTRATOR

GOOD MORNING MR. CHAIRMAN, AND MEMBERS OF THE COMMITTEE.

- MY NAME IS HAL KASSOFF, REPRESENTING THE MARYLAND DEPARTMENT OF TRANSPORTATION (MDOT). I APPRECIATE THE OPPORTUNITY TO BE HERE IN SUPPORT OF A STRONG NATIONAL HIGHWAY SYSTEM. I AM THE STATE HIGHWAY ADMINISTRATOR IN A DEPARTMENT WHICH IS ONE OF THE MOST MULTIMODAL DOT'S IN THE COUNTRY, WITH CAPITAL AND OPERATING RESPONSIBILITIES FOR ALL MODES OF TRANSPORTATION INCLUDING AVIATION (WHERE WE OWN AND OPERATE BWI AIRPORT), THE PORT OF BALTIMORE, PUBLIC TRANSPORTATION IN ALL ITS FORMS (INCLUDING BUSES, LIGHT RAIL, HEAVY RAIL AND COMMUTER RAIL) – WE ARE THE TRANSIT OPERATOR FOR THE BALTIMORE REGION AND PROVIDE THE PREPONDERANCE OF NON-FEDERAL TRANSIT SUPPORT ON BEHALF OF THE MARYLAND SUBURBS OF WASHINGTON DC, AS WELL AS TRANSIT SERVICES THROUGHOUT THE REST OF MARYLAND. WE OWN AND OPERATE TOLL BRIDGES AND TUNNELS, AS WELL AS A 5200 MILE STATE HIGHWAY SYSTEM, OF WHICH WE ARE VERY PROUD.

- OUR DEPARTMENT HAS BEEN PROVIDING INTERMODAL TRANSPORTATION SERVICES SINCE OUR CREATION IN 1972. WE WELCOME AND EMBRACE THE CONCEPT OF INTERMODALISM AT THE FEDERAL LEVEL AS EMBODIED IN ISTEA.

- IT IS IN THIS CONTEXT OF INTERMODALISM, SUSTAINED OVER THE PAST TWENTY-TWO YEARS, THAT I AM HERE TO STRONGLY SUPPORT THE ADOPTION OF A NATIONAL HIGHWAY SYSTEM. WE OFFER THIS SUPPORT FOR THREE BASIC REASONS.

  - FIRST, NOT ONLY IS A NATIONAL HIGHWAY SYSTEM FULLY COMPATIBLE WITH A MULTIMODAL TRANSPORTATION SYSTEM, THE MARYLAND DOT EXPERIENCE HAS DEMONSTRATED THAT AN EFFECTIVE AND EFFICIENT NETWORK OF MAJOR HIGHWAYS PROVIDES THE FRAMEWORK THAT TIES ALL MODES TOGETHER INTO A TRULY INTEGRATED SYSTEM SERVING PASSENGERS AND FREIGHT OVER LAND, SEA AND IN THE AIR.

  - AS HIGHWAY ADMINISTRATOR, I HAVE THE RESPONSIBILITY OF NOT ONLY SERVING OUR DIRECT HIGHWAY CUSTOMERS, BUT ALSO PROVIDING INTERMODAL CONNECTIONS TO FACILITATE THE ACCESS OF PEOPLE AND GOODS TO OUR AIRPORTS, PORT FACILITIES, RAILROADS AND BUS LINES. THE INTERESTING THING ABOUT MOST POINT TO POINT MOVEMENTS ON NON-HIGHWAY MODES IS THAT SOMEWHERE ALONG THE WAY, A GOOD HIGHWAY CONNECTION IS AN ESSENTIAL PART OF THE TRIP.

My telephone number is _____

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- Some of the major intermodal facilities which we have implemented and are now operating include:

  * Direct Interstate Highway service into BWI Airport for passengers and freight, and connection to BWI's railroad station.

  * Direct Interstate service to major marine terminals in Baltimore.

  * Direct Interstate Highway ramps to major rail transit stations -- such as New Carrolton, Shady Grove, and Greenbelt, and a commuter rail super station under construction in Elkridge, Maryland.

  * Combined rapid rail and interstate highway service to Owings Mills along our Northwest Expressway.

  * An extensive network of park and ride facilities and an emerging network of HOV lanes.

- The intermodal philosophy of ISTEA has been manifested in our state in a manner demonstrating that to succeed, intermodalism requires a strong, and not a weakened, commitment to a National Highway System.

- A second reason for a commitment to a strong National Highway System reflects a situation which exists in Maryland, and is true in many other states as well. In Maryland, we are relatively small in relation to the magnitude of national highway corridors such as I-95, I-70, and others that cross our State. These are major interstate corridors extending thousands of miles which traverse the length and breadth of our Country.

- These Interstate routes are amazingly seamless as you cross state lines. In fact, most travellers are unaware that responsibility for construction, reconstruction and maintenance is under the states. Yet, without a strong federal role in a National Highway System, small states like Maryland will not be able to adequately support highway corridors of National -- in fact International -- significance. The net result will be more noticeable differences in quality and levels of service at state lines where local, politically popular projects have attracted scarce transportation funds away from the National corridors.

- A third reason for Congress to adopt the National Highway System is the role that such a system plays in our national economy. We are a large country. Goods produced or consumed in any part of the country have major transportation costs associated with movement from points of production to points of consumption or export. Efficiency and reliability in such movements is a major component of a healthy, competitive, economy. Our Interstate Highway System has provided this country with a competitive advantage in the global market. But this system was planned 50 years ago, is aging, and must be rebuilt, along with many older principal US highways that were neglected for years while the Interstate system was the focus of our attention.

- The European Community, as well as Asian countries, are planning to close the International Interstate Highway gap with aggressive highway programs which will improve their economic efficiency and productivity. Without a strong National Highway System in this country, we will, over time, most assuredly lose one of our key competitive economic advantages.

To sum it all up, it is inconceivable that in a country as vast as ours, there would ever be a question about whether to support a strong National Highway System. It is a key to efficient and effective intermodal transportation, as we have demonstrated in Maryland. It must be national in scale and scope because the significance of the corridors to be served typically transcend any one state. And we must recognize that to rest on the laurels for the next 50 years of an Interstate system that was planned 50 years ago would be short sighted, and ultimately damage our economic vitality and quality of life.

A final note of caution, Mr. Chairman. When it comes to a National Highway System, we can afford no substitutes. If we undermine the concept of a truly National system by requiring suballocations to local areas, and by virtually precluding any possible expansion of highway capacity in bottleneck locations, we will just be kidding ourselves. A National Highway System must be truly National in its vision, in its scope, and in its administrative ground rules, if it is to serve the nation as a whole.

For these reasons, Mr. Chairman, we urge your favorable consideration of a strong National Highway System.

Thank you very much.

BIOGRAPHICAL INFORMATION ABOUT HAL KASSOFF

Since becoming Administrator in 1984, Hal Kassoff has guided the Maryland State Highway Administration through a dramatic period of investment by managing over $5 billion in bridges and pavement restoration, safety improvements, and completion of critical Interstate and primary highways throughout the State. Hal has aggressively pursued implementation of an interconnected, intermodal Baltimore-Washington Transportation Grid. He also initiated Maryland's nationally recognized Traffic Management Program known as CHART. During his tenure, SHA has been recognized on numerous occasions for its environmental programs.

Under Hal Kassoff, SHA has embraced the Total Quality philosophy focusing on customer satisfaction, employee involvement and continuous improvement. SHA was recently given the first ever Governor's Quality Award for the State.

Before becoming Administrator, Hal was SHA's Director of Planning and Preliminary Engineering. In prior years, he managed Maryland's public transportation programs in the Washington area. Hal began his career at the Federal Highway Administration.

Hal Kassoff holds degrees in Civil Engineering and Transportation from New York's City College and Northwestern University. He has authored numerous papers and articles, and chairs an innovative national civil engineering careers program, as well as the I-95 corridor traffic management coalition. Among his awards are Maryland's "Engineer of the Year" in 1987 and the Mathias Award for Outstanding Public Administration.

United States General Accounting Office

GAO

Testimony

Before the Subcommittee on Surface Transportation,
Committee on Public Works and Transportation,
United States House of Representatives

For Release
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NATIONAL HIGHWAY SYSTEM

Refinements Would Strengthen the System

Statement of
Kenneth M. Mead, Director,
Transportation and Telecommunication Issues,
Resources, Community, and Economic
Development Division

GAO/T-RCED-94-136

Mr. Chairman and Members of the Subcommittee:

We are pleased to have this opportunity to testify on the National Highway System (NHS), which we have been reviewing at the request of this subcommittee. This system will influence the framework for surface transportation for decades to come. Just as construction of the Interstate Highway System has been the centerpiece of the federal-aid highway program, the NHS is expected to assume this role in the future as the most important roads in the nation are placed within this network. The NHS will form a cornerstone of premier highways with links established to major travel destinations, including ports, airports, rail terminals, and public transportation facilities. These linkages are intended to complement a subsequent effort to create a National Transportation System, which will lead to a seamless transportation system that unifies all transportation modes.

The Department of Transportation (DOT), working cooperatively with state and local officials as well as the private sector, has made great strides in identifying the most important roads in the nation that should form the basis of the NHS. The development of the proposed NHS was certainly a formidable task. Nevertheless, the results clearly reflect the spirit of cooperation and unity displayed by countless transportation officials throughout the country in identifying, under DOT's leadership, an interconnected system that will serve a majority of interstate and interregional travel and commerce. The proposal is for an NHS network of about 159,000 miles, which is about 4 percent of the approximately 4 million miles of public roads. However, this system would handle about 40 percent of all vehicle miles traveled, and accommodate over 70 percent of all commercial truck traffic.

Our testimony today will address (1) the expectations for the NHS, (2) states' rationales for requested adjustments to the NHS mileage the Federal Highway Administration (FHWA) had allocated to them, (3) problems in establishing NHS linkages to other modes of transportation, and (4) future adjustments to the NHS. To address these issues, we discussed the NHS designation process with 10 states[1] and DOT officials in Washington, D.C. and analyzed NHS data. In summary:

-- Performance expectations for preservation and maintenance and other important NHS goals need to be established. A well-maintained system should form the necessary foundation for pursuing the myriad of goals

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[1] We chose a sample of ten states that obtained from FHWA varying adjustments to NHS mileage targets originally allocated to them. The ten states selected were California, Florida, Missouri, Montana, Nevada, Ohio, Oregon, Rhode Island, Texas, and West Virginia. These ten states account for 45,000 miles of the proposed 159,000 NHS network, or 29 percent.

for the system, which include economic development, enhanced mobility, improved air quality, and the promotion of travel and tourism. Without such a foundation, system enhancements such as alleviating congestion and improving the efficient movement of goods may not be fully realized. Moreover, FHWA has not coupled the wide range of goals with specific expectations and ways to measure how the system would perform to meet those goals. For example, one possible expectation relates to pavement condition. FHWA data shows only 46 percent of the pavement is considered in good condition for a major component of the NHS--principal non-Interstate highways in urban areas. Yet, whether this is considered an acceptable level cannot presently be answered with any certainty, because expectations have not been established for NHS pavement condition.

--All 10 states we contacted requested adjustments to the NHS miles originally allocated to them by FHWA. Six of 10 states we contacted assumes more NHS miles will translate into more federal funding in the future, thus these states generally requested additional NHS miles. However, DOT has stressed its intent not to link NHS designation with funding. The remaining four states assume there will not be a correlation between federal funds received in the future and NHS miles, and two of these states requested fewer miles than allocated to them by FHWA.

-- The accomplishment of one of the major purposes of the NHS--connecting NHS roads with ports, airports, transit service, Amtrak stations, and highway/rail transfer facilities--is not expected to be completed until 1997. Although symbols for these facilities are on the NHS map provided to the Congress, they are meant for illustrative purposes only and are not intended to reflect actual or proposed NHS connections with other modes of transportation. For example, NHS road access to all 321 Amtrak stations on the map have not been identified. One problem is that DOT has not clearly defined appropriate NHS access to a facility. However, DOT is aware of such problems and plans to develop criteria to identify facilities and determine appropriate access within 2 years after NHS approval. This delay could result in congressional approval of the NHS without knowing what connections will be established to other modes of transportation, unless provision is made now for later review of these connections by the Congress.

-- Changing demographic, economic, and other patterns will require future adjustments to the NHS, but a strategy to guide these future changes must still be developed. FHWA recognizes that the NHS cannot be a static system and has proposed that the system be allowed to expand by up to approximately 6,000 additional miles in the future. However, it is not clear how these additional miles would be allocated, what rationale will be required to trigger and/or support size adjustments, and how frequently adjustments could be made. Questions like these need to be answered prior to allocating the additional 6,000 miles so that states have a framework for how the allocation decisions will be made.

Based on our work, we have developed recommendations that address the need for expectations and performance measures and a framework to guide future changes. But, before addressing the individual issues in greater detail, I would like to provide a brief background.

BACKGROUND

The Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) imposed an NHS mileage limitation of 155,000 miles, which the Secretary of Transportation has the authority to adjust by plus or minus 15 percent. A preliminary map detailing a 150,000-mile system that the Department of Transportation provided to the Congress in February 1991 was the basis for the mileage targets that DOT allocated to the states.

FHWA told the states these mileage targets were a starting point for developing the proposed NHS, and that they could exceed their allocated mileage by up to 15 percent. In granting additional mileage, FHWA compared states with similar characteristics and considered such things as the (1) amount of commercial vehicle travel, (2) relationship of the route(s) to states' long-range transportation plans, (3) importance of the route(s) to regional or interstate travel, and (4) relationship of the route(s) to routes in adjacent states to form multistate corridors. Any adjustments to the original targets have now largely been agreed to by DOT and the states, and DOT submitted a revised map to the Congress in December 1993.

The revised map proposes a system of nearly 159,000 miles--about 119,000 miles in rural areas and about 40,000 miles in urban areas. DOT estimates that these roads are expected to serve 42 percent of total vehicle miles of travel in rural areas and 40 percent of such urban travel. FHWA estimates that about 98 percent of the system will be formed from the existing road network, as only about 2 percent of the highways are yet to be constructed. About 42 percent of the system is nondiscretionary and is divided

into four components. First, the 45,000-mile Interstate system; second, 4,500 miles specifically selected by the Congress as high-priority corridors; third, 15,700 miles of non-Interstate highways needed for national defense, which together with the Interstate is referred to as the Strategic Highway Corridor Network; and, fourth 1,900 miles of connectors to military bases.

The remaining 91,000 miles of the system are discretionary, and thus were the focus of discussion and adjustment between the states and FHWA. This discretionary mileage is intended to encompass other important highways for serving interstate and interregional travel and to provide connections to major ports, airports, public transportation facilities, and other intermodal facilities.

Under ISTEA, the Congress has until September 30, 1995, to approve the NHS designation by law. If the system is not congressionally approved by the beginning of fiscal year 1996, then ISTEA cuts off all NHS and Interstate maintenance apportionments. These two programs account for $38 billion of ISTEA's total $121 billion highway authorization for the period fiscal year 1992 through 1997.

Although an NHS has not been approved, NHS program funds are now available for 207,000 miles of major highways. However, the amount of NHS funds a state gets is now totally independent of NHS miles. Instead, NHS funds are presently based on each state's fiscal year 1987 through 1991 share of total federal funding with certain adjustments being made for Interstate maintenance and bridge apportionments, since these programs have a different basis for fund allocation.

NHS EXPECTATIONS AND METHODS OF ASSESSMENT NEED TO BE ESTABLISHED

A host of goals are associated with the NHS, but the goals may remain barren ones unless system performance expectations related to the goals are established. FHWA has articulated many goals for the NHS, including economic development, enhanced mobility, reduced congestion, improved air quality, and the promotion of travel and tourism. However, these goals may not be attained unless preserving and maintaining the system is recognized as the foundation for the NHS. Furthermore, FHWA has not coupled the diverse goals for the system with system performance expectations and ways to measure how the system is performing to meet those expectations. Performance expectations could be set that would include measures related to the condition and performance of the system such as ratings of the pavement condition, number of bridge deficiencies, level of safety achieved, and extent of congestion. Unless such measures are established, the success of the system cannot be effectively evaluated.

As part of the Highway Performance Monitoring System, FHWA uses data from the states that classify pavement into broad categories--poor, mediocre, fair and good--based on the roughness of the ride and surface defects. While the data has limitations on an individual state basis, FHWA uses it as an indicator of overall system performance, and is in the process of making system improvements. The data shows pavement condition improved throughout the 1980's and continues to do so into the 1990's. More specifically, in 1991 (the most recent year for which data is available) the indicator shows that the percent of principal highways classified in good condition ranges from a high of 61 percent for rural Interstate highways to 46 percent for principal non-Interstate highways in urban areas. Consequently, the balance of the nation's major highways are at most in fair condition, which according to FHWA represents noticeably inferior pavements compared to new ones, and pavements that may be barely tolerable for high-speed traffic. (Appendix I displays this data in more detail). Similarly, FHWA reports that as of 1992, 25 percent of the bridges on the Interstate highway system are deficient.

Enhancing the preservation and maintenance of the nation's premier roads was mentioned as the most common expectation for the NHS by 6 of the 10 states we contacted. Other expectations mentioned included (1) sustaining mobility by recognizing the need to widen high-volume traffic roads on the NHS, (2) enhancing economic development, (3) increasing trade by serving all major international border crossings, and (4) providing a focus for the overall federal-aid highway program now that Interstate construction is nearly complete.

This wide range of system expectations may be realized to various degrees over time. However, certain expectations compete with one another while others are complementary. For instance, increased trade and tourism and decreased congestion are at times competing goals, while decreased congestion and improved air quality can be complementary. The fact that NHS goals at times compete makes it more imperative that performance measures be established to assess the system's accomplishments or lack thereof. FHWA has not identified such performance measures; rather its efforts have essentially been focused on considering the use of existing data collection tools that could provide some indicators of the system's performance. In fact, FHWA is proposing that upon designation of the NHS, consultation would continue with interested groups to develop or refine existing policies and goals related to the performance, operation, and maintenance of the NHS routes. We agree that such refinements can and should continue after NHS designation. However, without basic expectations being set, such as those related to pavement condition and bridge deficiencies, no basis for assessing system accomplishments will exist.

Potential performance measures that could be used to track the performance of the system include ratings of the pavement

condition, the number of bridge deficiencies, the number of fatalities, the extent of congestion, and the percentage of lane miles devoted to high-occupancy vehicles. For example, a performance expectation could be established that at least 75 percent of the Interstate highways be considered in good condition and at least 65 percent of other NHS highways be rated in good condition. These expectations could be strengthened over time and further refined to reflect needed urban and rural distinctions.

In some cases, the use of existing data sources to support NHS performance measures would need to be modified to more precisely capture NHS data. For instance, tools, like the Highway Performance Monitoring System, used to assess pavement condition, are not now aligned with the proposed 159,000-mile NHS network; data are now collected on a larger network of 207,000 miles. To collect data for the NHS, tools would have to be modified to capture pavement condition and form a benchmark for evaluating subsequent performance.

ASSUMPTIONS ABOUT FUTURE FEDERAL FUNDING LED MOST STATES SURVEYED TO SEEK MILEAGE ADJUSTMENTS

The allocation of federal NHS funds to states is not currently tied to their mileage allocation on the NHS, but a number of states assume there will be changes to the allocation process in the future. Most of the 10 states we talked to sought increases or decreases in their NHS mileage allocations on the basis of these assumptions.

The current allocation of federal funds to states is based on each state's fiscal year 1987 through 1991 share of total national highway funding, with certain adjustments being made for Interstate Maintenance and Bridge apportionments. However, 6 of the 10 states surveyed assumed there will be changes to the allocation process,[2] and more NHS miles may mean in their view more federal dollars in the future. Thus, these states generally sought to obtain additional NHS mileage. Their assumption that more NHS mileage will mean more federal funds in the future prevails despite FHWA's statement that they do not intend to propose using NHS miles as a basis for allocating NHS program funds in the future.

The remaining four states surveyed--Oregon, Montana, California and Florida--assumed there would be no link between NHS miles and federal funds received in the future Although Oregon and Montana did not link NHS miles with the amount of federal funds received, these states requested more miles that they were allocated. In Oregon's case this was to accommodate its future system needs. Montana wanted to include some important routes that would be needed for commercial purposes. The other two states requested fewer NHS miles than allocated to them by FHWA. A senior Florida transportation

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[2] The six states were Missouri, Nevada, Ohio, Rhode Island, Texas, and West Virginia. Except for Rhode Island, these states requested additional NHS miles above their original NHS mileage allocations.

official noted that the state elected to limit its NHS miles because of the costly highway needs facing the state, and its reluctance to dilute future funding by attempting to spread the funds over a larger network. A senior California official stated that a primary reason leading the state to limit its NHS mileage was the assumption that federal funds other than funds for the NHS may be returned directly to the states in the future. Returning funds directly to the states has been proposed in the past, and while it could take several forms, it generally means that federal gasoline tax revenues collected by the state, excluding those revenues supporting the NHS program, would be returned to the state. If these tax revenues were returned directly to the states, this could give the states more control over the funds with less federal restrictions. Under these conditions, states may seek to limit miles on the NHS.

From an overall perspective, most states elected to seek adjustments to the NHS mileage targets provided to them by FHWA. Specifically,

-- 43 states increased their targeted miles, ranging from 5 miles in New York to 1,059 miles in Montana.

-- 10 of the 43 states received mileage increases over the 15 percent limit.

-- 7 states, the District of Columbia and Puerto Rico decreased their target miles, ranging from a 2 mile decrease to approximately a 1,500 mile decrease.

The original NHS rural mileage targets were increased from 105,262 miles to 118,822 miles--an increase of 13,560 miles. The initial urban mileage allocation totaled 44,625 miles, and while certain states increased their urban miles, overall there was a net decrease in urban miles to 39,840 miles--a reduction of 4,785 miles. After factoring in these state adjustments, the proposed system represents approximately 75 percent rural miles and 25 percent urban miles, which is roughly proportional to the Interstate highway system split between urban and rural miles. Appendix II shows mileage adjustments for individual states approved by FHWA for the proposed NHS.

NHS LINKAGES TO OTHER MODES NEED TO BE FINALIZED

One of the major purposes of the NHS--establishing connections with other transportation modes, such as major ports, airports, and public transit--may not be completed until 1997 or the establishment of the National Transportation System. DOT is proposing that Congress approve the NHS with the understanding that the connections would be made after such approval. In the interim, the NHS map indicates, for illustrative purposes, possible connections that may be made.

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DOT has stated that the illustrative connections on the map are not intended to imply that the NHS connects with every facility identified, or that such connections will necessarily be made in the future. Instead, DOT is proposing that within 2 years of NHS approval, the states, in cooperation with the metropolitan planning organizations and other officials, identify major intermodal facilities and appropriate access on the basis of criteria to be established by DOT within the next several months.

FHWA's initial intention to establish the NHS' connection with other transportation modes as part of the NHS designation process proved unsuccessful. One of the reasons was that FHWA's NHS instructions to the states on the NHS designation process in June 1992 did not define what a major intermodal facility was. Instead, FHWA stated that states and the metropolitan planning organizations were in the best position to make these determinations. However, when the states submitted their proposed NHS roads and other modal facilities to FHWA, they were inconsistent. Some states and metropolitan planning organizations gave considerable attention to identifying major intermodal facilities, such as ports and airports, and providing access where appropriate. Others gave less attention to this subject.

As a result, FHWA believed it needed to rethink the state effort. FHWA subsequently worked with DOT modal administrators and the private sector to identify the connections with other modes illustrated on the map. As appendix III shows, the list of connections include 104 ports, 143 airports, 321 amtrak stations, 191 rail/truck facilities, and 319 public transit systems.

It is clear that facilities such as major airports generally have access provided by an Interstate highway, thus such facilities would be connected to the proposed NHS. Nevertheless, DOT acknowledges that a number of mistakes were made in developing the illustrative list of connections to the NHS. For instance, neither FHWA nor the Federal Railroad Administration could identify the NHS road access provided to the 321 Amtrak stations on the map. In addition, DOT has not defined what it means by appropriate NHS access to a modal facility, such as a facility that is within one mile of an NHS route. Similarly, neither FHWA nor the Federal Transit Administration could provide us with any details on what type of NHS connections had been established with the 319 public transit systems. Also, intercity bus terminals were inadvertently omitted from the illustrative listing of NHS connections. It is important that such connections be provided for; a representative of Greyhound Lines, Inc., noted that intercity buses may be the only means of intercity transportation for many rural residents and the elderly. Lastly, as shown in Appendix III, FHWA did base selection of the illustrative facilities on criteria. However, they are reassessing it as part of their ongoing efforts to develop criteria over the next few months to guide selection of intermodal

facilities. This may result in additions or deletions of illustrative facilities in various categories.

In the near term, the proposed NHS represents a highway system of important roads, but the connections shown on the map remain illustrative ones. Furthermore, the establishment of consistent, broader NHS linkages to other transportation modes may be postponed possibly until 2 years after NHS enactment, or be accomplished as part of the development of the National Transportation System. Acceptance of such a delay could mean that the Congress may not have the opportunity to weigh in on the criteria established and the resulting outcomes of NHS connections to other modes of transportation and major travel destinations. Alternatively, the NHS could be approved conditionally based on subsequent Congressional approval of the connections established to other modes of transportation and major travel destinations.

A FRAMEWORK IS NEEDED TO GUIDE FUTURE CHANGES TO THE NHS

DOT wants a certain degree of flexibility to allow for adjustments to the NHS and is proposing that the Secretary of Transportation be given the authority to increase the 159,000 mile system by about 6,000 miles, bringing the total to 165,000 miles. However, DOT has not decided how these additional miles would be allocated, what rationale will be required to trigger and/or support size adjustments, or how frequently adjustments could be made.

DOT plans to accommodate future NHS changes, which could arise because of factors such as population shifts, changes in defense logistics, and increased or decreased transportation demands arising from other modes. Also, statewide intermodal transportation plans that are due January 1, 1995, may identify needed changes to the NHS. Since no criteria have been established for identifying connections to other modes, it is not possible to reliably estimate the total additional miles that may be needed to complete these major linkages. After the NHS is designated, adjustments to these connections will have to be made.

Moreover, while we agree that flexibility is important, the only proposed governing framework for NHS size adjustments could be improved. DOT proposed that any changes would be (1) suggested to the Secretary of Transportation by the states, and (2) states would have to identify the modifications cooperatively with local officials through the statewide and metropolitan planning processes. We agree it is critical to continue to work with states and local officials through their planning processes as DOT suggests. However, additional information, such as rationale for size adjustments and frequency with which adjustments could be made, is needed prior to any allocation of additional mileage above the proposed base system of 159,000 miles. Moreover, it would

provide Congress with a clearer understanding of how this system may grow in the future.

CONCLUSIONS

The proposed NHS map not only illustrates premier highways, but also reflects positively on the hard work and cooperative efforts displayed by the federal, state and local transportation community and the private sector. This process can be even further strengthened through the accomplishment of several important elements. These elements include establishing (1) system expectations and performance measures, (2) connections with other modes of transportation, and (3) a procedural framework for future adjustments.

While these elements could be postponed and dealt with after the NHS is approved because the system will be flexible and changes can be incorporated later, we believe system enhancement will be well served by addressing these elements. First, developing expectations would provide a means to clearly identify what the NHS is to accomplish, and coupling expectations with performance measures would provide baseline data to measure progress in meeting expectations. Second, the Congress may not have the opportunity to evaluate the resulting outcomes of criteria used to identify connections to other modes, because identification and use of this criteria would occur after the Congress approves the NHS. Identifying these connections would enable the Congress to approve one of the cornerstones of the NHS as envisioned by ISTEA, particularly since there is presently no provision for the Congress to buy in to future changes after it approves the NHS. Alternatively, the Congress could consider approving the NHS conditionally with final approval subject to later review of the connections established to other modes of transportation and travel destinations. Finally, uncertainty over how the additional 6,000 miles will be allocated could cause confusion at the state level. This could occur in the short term as state transportation plans that may result in changes to the NHS are due January 1, 1995.

RECOMMENDATIONS

We recommend that the Secretary of Transportation direct the Administrator of the Federal Highway Administration to

-- develop performance expectations and measures in conjunction with the major goals of the NHS to ensure that progress can be assessed, particularly in critical areas such as pavement condition and the extent of congestion; and,

-- develop a procedural framework within which changes to the NHS can be considered. Such a framework could include, among other things, how any

additional miles would be allocated, what rationale will be required to support size adjustments, and how frequently the adjustments could be made.

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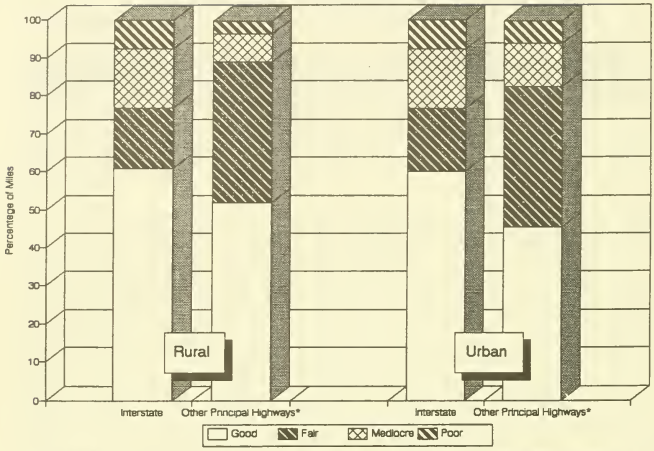
This concludes my testimony. We would be pleased to respond to any questions that you or any other member of the Subcommittee may have.

Pavement Conditions - 1991



*Other Principal Highways represents for rural other principal arterials and for urban other principal arterials, freeways and expressways.

Source: GAO's analysis of FHWA's data.

Difference Between NHS Mileage Target For States and FHWA Approved Adjustments

State	Mileage difference: Target versus FHWA approved miles	Percentage change: Target versus FHWA approved miles
	Mileage increased by 16 to 53 percent	
Hawaii	97	45%
Montana	819	27%
Nebraska	483	19%
Nevada	334	18%
New Mexico	511	21%
Oregon	698	23%
South Dakota	1,027	53%
Vermont	114	20%
Virginia	466	16%
Wyoming	621	30%
	Mileage increased by 6 to 15 percent	
Alabama	412	13%
Colorado	397	13%
Georgia	512	12%
Idaho	136	6%
Iowa	214	7%
Kentucky	335	14%
Louisiana	297	13%
Maine	111	11%
Massachusetts	126	7%
Minnesota	231	6%
Mississippi	293	12%
Missouri	590	15%
New Hampshire	89	13%
New Jersey	102	6%
North Dakota	323	14%
South Carolina	229	9%
Tennessee	358	12%
Utah	254	13%
West Virginia	183	11%
Wisconsin	495	14%
	Mileage increased by less than 5 percent	

APPENDIX II

Alaska	16	1%
Arkansas	48	2%
Connecticut	7	1%
Delaware	14	5%
Illinois	24	.5%
Kansas	134	4%
Maryland	11	1%
Michigan	170	4%
North Carolina	146	4%
Ohio	192	4%
Oklahoma	35	1%
Texas	370	3%
Washington	19	1%
	Mileage decreased	
Arizona	-13	-.5%
California	-1,134	-13%
D.C.	-2	-3%
Florida	-1,496	-27%
Indiana	-320	-11%
New York	-210	-4%
Pennsylvania	-10	-.2%
Puerto Rico	-4	-1%
Rhode Island	-59	-18%

Source: GAO's analysis of FHWA's data.

Proposed Intermodal Facility Connections On The NHS*

Type of Connection	Number	Potential Threshold
Ports	104	Includes all major container ports. Each port handles more than 750,000 short tons of cargo per year or more than 350,000 short tons of cargo in foreign trade. Also includes ports that meet national defense requirements. The 104 ports shown on the proposed NHS maps handle about 72 percent of total U.S. waterborne cargo tonnage. Does not include ports that are primarily dependent on rail and/or pipelines for the movement of cargo to and from the port area.
Airports	143	Each airport handles more than 250,000 annual enplanements, or about 96 percent of total annual domestic enplanements, as well as a similarly large amount of civilian airborne cargo.
Amtrak Stations	321	Each station handles a combined total of over 20,000 entrainments and detrainments over the most recent 3-year reporting period.
Rail/Truck Facilities	191	Each facility handles more than 5,000 annual origins and/or destinations of railroad cars and relies heavily on the rail/truck intermodal connection.
Public Transit Systems	319	Includes all of the public transit systems reporting to the Federal Transit Administration under its section 15 data collection system in FY 1992. Since the NHS connects to all urban areas with populations above 25,000, access is provided to public transit systems serving over 99 percent of all transit riders. The metropolitan area maps will contain information on fixed guideway public transit routes (light, rapid, and commuter rail routes and busways).

* NOTE: These connections are meant for illustrative purposes only and are not intended to reflect actual NHS Connections with other modes of transportation. Their purpose is essentially to illustrate connections that may be made in the future.

Source: GAO's analysis of FHWA's data.

Job Code 342889

STATEMENT BEFORE THE

SUBCOMMITTEE ON SURFACE TRANSPORTATION

OF THE

HOUSE COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION

Relating to

LEGISLATION DESIGNATING THE NATIONAL HIGHWAY SYSTEM AND ANCILLARY ISSUES RELATING TO HIGHWAY AND TRANSIT PROGRAMS

By

G. M. ROBERTS

Director,
Alabama Department of Transportation

and

President,
Southeastern Association of State Highway & Transportation Officials

March 1, 1994

Good morning. I am Mack Roberts, Director of the Alabama Department of Transportation and current President of the Southeastern Association of State Highway and Transportation Officials. This association is composed of the member states of Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Tennessee, Virginia, and West Virginia.

It is indeed an honor for me to appear before this Congressional subcommittee to provide formal comments on the National Highway System and views on other important highway issues.

First, I will comment on the importance of a National Highway System. The concept of a National Highway System evolved from the assessment of a number of issues which were identified as critical elements in meeting the future transportation needs of our nation. Some of these elements were commercial competitiveness, international trade corridors, safety, defense movements, and national productivity.

This highway system will serve the nation's principal cities and major manufacturing centers, major ports and airports, and provide for national defense and is essential to fulfilling the basic policy declaration of the Intermodal Surface Transportation Efficiency Act of 1991 - which is "...to provide the foundation for the nation to compete in the global economy, and move people and goods in an energy efficient manner."

The states have been working with the Federal Highway Administration and local Metropolitan Planning Organizations since 1990 to develop a National Highway System. These efforts resulted

in the provisions of Section 1006(a) of ISTEA requiring the submittal of a proposed NHS to Congress. This work is complete, and a National Highway System is now before Congress for approval.

We are aware of the concerns being expressed that approval of a National Highway System will not fulfill the needs for an Intermodal Transportation System for America. We are of the opinion that a National Highway System is an essential element of an intermodal transportation network and will form the "backbone" of a National Transportation System.

We encourage approval of the National Highway System that is currently before Congress so that we may then proceed with development of a National Transportation System.

Quoting from a publication of the Federal Highway Administration, "Properly conceived and implemented, the NTS concept can significantly improve the efficiency and effectiveness of our entire country's transportation system, and, thus, the strength and competitiveness of our economy, the vitality of our communities, and the quality of life for all Americans." A National Highway System will be the first integral part of such an NTS.

I know all of you are aware of the ISTEA mandated requirements to use recycled automobile tires, which we call crumb rubber, in hot mix asphalt. In the opinion of most SASHTO states, this is an issue that is having a negative impact on our highway program. You have heard the arguments expressed, both pro and con, to this mandate, which resulted in the one-year moratorium delaying implementation of this mandate.

We in Alabama do not object to the purpose of the mandate, which is to dispose of old tires, and we support the efforts to

recycle. We do take the position, however, that mandating the use of crumb rubber in asphalt, the most technical and expensive component of our highways, may result in poor quality pavements at a time when the entire country is emphasizing quality in everything we do. Recycled rubber can be used in other aspects of highway construction without jeopardizing planned improvements for asphalt pavements. The provisions of ISTEA prevent us from doing this.

Projects undertaken using crumb rubber modified hot mix asphalt have resulted in a substantial increase in the cost of the pavement. This will translate to fewer miles of asphalt pavement at a time when our demands for highway improvements are increasing.

Modern asphalt pavements have a very complicated chemical composition. The Strategic Highway Research Program (SHRP) has recently invested $150 million in research, most of which was directed to asphalt pavement research. The goal of this research was to make significant improvements to our asphalt pavements. Many products evolved as a result of this research; and upon implementation of the research recommendations and use of these products, asphalt pavements will improve. This investment in research was made to provide better, longer lasting asphalt pavements. The mandated use of crumb rubber is not at all compatible with this research effort.

As stated earlier, there are other possible non-pavement uses of scrap tires currently which would accomplish the intent of the ISTEA legislation. Scrap tires can possibly be used to provide lightweight fill material. They can possibly be used to construct

roadway drainage layers, or for slope stability application and retaining walls. Scrap tire rubber can be disposed of in several ways, but mandating this material in hot mix asphalt is certainly not the best way. We urge that Section 1038 of ISTEA be revised to allow the use of recycled rubber in all potential transportation related applications to meet the minimum utilization requirements.

Metrication is another topic that I will address. We have been mandated to convert all transportation projects to the metric system by October 1996. In order to comply with this mandate, we are currently developing project plans and specifications using metric dimensions. We are fully committed to meeting the 1996 deadline. In fact, in Alabama I have directed that all projects let to contract after October 1, 1995, be let in metric dimensions. This is one full year earlier than legislated.

This change is not being made without great effort and without substantial cost. We are nevertheless moving ahead with our metrication program and are on target with our schedule for complete conversion.

We are very concerned about what we perceive as a lack of commitment to metrication at the Congressional level. The Congress, through the most recent appropriation legislation, prohibited the use of Federal funds for erecting highway information signs showing metric units, for one full year. How can we be confident that Congress is genuinely committed to metrication if they are unwilling to unveil metric units to the general public? Is there a chance that the decision to convert will be rescinded? Let's hope not.

The states have taken the mandate seriously and have passed the point of no return. Many millions will have been wasted if we do not carry forward with metric conversion.

We need greater assurances from Congress that we are not needlessly expending our resources and our energies in the area of metric conversion.

Again, let me express my thanks for the opportunity to comment on issues of importance to us involved in transportation.

Now I will be pleased to respond to any questions that you might have.

STATEMENT OF

LIEUTENANT GENERAL KENNETH R. WYKLE, USA

DEPUTY COMMANDER IN CHIEF

UNITED STATES TRANSPORTATION COMMAND

BEFORE THE

HOUSE COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION

SURFACE TRANSPORTATION SUBCOMMITTEE

ON THE

U.S. DEPARTMENT OF TRANSPORTATION'S RECOMMENDED

NATIONAL HIGHWAY SYSTEM

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The Defense Transportation System (DTS) is a cornerstone of America's national security strategy of force projection. When directed to respond in times of crisis, our forces must be ready and capable of rapid deployment. In DESERT SHIELD/DESERT STORM, 85% of the dry cargo deployed during the operation moved by sea and 15% moved by air. However, it is often overlooked, that in linking with the air and sea components of the DTS, 100% of the unit equipment, ammo, food, medicines, and half a million people had to move by aurface from "fort to port." As the United States military continues to reduce the number of forward deployed forces and becomes more U.S.-based, we will become even more dependent on having a robust, flexible, and responsive Defense Transportation System. Most of the system that is used to move forces from "fort to port" is already in place. A portion of the improvements proposed in the National Highway System (NHS) is related to national defense, and I will discuss that portion today.

Mr. Chairman, distinguished members of the committee, thank you for this opportunity to appear before you today to discuss strategic mobility and our use of the nation's highway system. The United States Transportation Command (USTRANSCOM) and our Components, Air Mobility Command (AMC), Military Traffic Management Command (MTMC), and Military Sealift Command (MSC), provide the core air, land, sea, and prepositioning capability of the nation's Defense Transportation System in peace and war.

I would like to emphasize the word "system" because defense transportation capability is not based solely on the organic resources owned and maintained by the Department of Defense (DOD). Our organic assets; Fast Sealift Ships and Ready Reserve Force vessels, strategic lift aircraft, and the Defense Freight Railway Interchange Fleet, do provide unique military capabilities. However, we look first to the commercial sector to provide our

transportation needs. For the DTS to be effective, our organic military transportation assets must be integrated with the substantial transportation capacity of the commercial sector. All segments of the total system must be in balance.

In February 1992, based on lessons learned from the Gulf War, the Secretary of Defense broadened our primarily wartime mission to one designating USTRANSCOM the Single Manager for defense transportation in peace as well as war. This designation properly aligned authority with responsibility. Now, as the lead organization responsible for providing air, land, and sea transportation for the Department of Defense, we are working with government and industry to carry out that mission.

We are actively working to foster the necessary relationships with the commercial transportation industry to develop concepts, requirements, and procedures for surface, sea, and airlift programs. Rapid changes in the way the international business community operates are redirecting the focus of commercial transportation. The industry will continue to evolve into one characterized by intermodalism, tied increasingly to information systems providing not only intransit visibility, but inventory and production management. The efficiencies achieved in intermodalism help DOD with a portion of our transportation needs, primarily in moving supplies and ammunition. Together with the commercial sector, we are seeking ways to build more effective and economical partnerships that meet DOD transportation requirements.

In addition, we are working closely with the Department of Transportation (DOT), including the Federal Aviation Administration, the Federal Railroad Administration, the Federal Highway Administration (FHWA), U.S. Coast Guard, and Maritime Administration. We support Secretary Peña's

efforts in advocating improved integration of our nation's modal infrastructure. Taken in the broad context, intermodal transportation is the means by which most sustainment cargo in DOD moves, thus we applaud the Congress for having the wisdom to make intermodalism the overarching principle for our nation's transportation future through enactment of ISTEA.

To promote the concept of intermodalism, together with our Components, the Services, and DOT, we are developing an Intermodal Installation Program. We plan to identify a major military facility to develop as a prototype for intermodal operations including railheads, loading docks, container handling facilities, and automated tracking systems. This facility will incorporate leading edge technology from the commercial sector.

Another significant trend within major sectors of the commercial transportation industry over the past twenty years is the use of containers. Today most of the transportation infrastructure on our bases, forts, and depots has changed little since World War II. This severely limits our ability to make the best use of today's highly efficient, world-wide containerization systems for our supplies and munitions. We are committed to making containerization the standard in DOD for sustainment and ammunition.

All this leads us to the primary focus of my testimony today. On behalf of DOD, I am pleased to provide our view on Section 1006 of the Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991 which proposes a National Highway System. DOD supports the concept of an NHS as an integral part of the total defense transportation system, recognizing that the nation's road system connects our military installations--the launching platforms for our power projection forces--and other defense facilities to the global intermodal transportation system.

Our surface transportation component, the Military Traffic Management Command, is responsible for the surface leg of DOD movement requirements. One of the important programs under their purview is the administration of the Highways for National Defense Program in coordination with the FHWA. An objective of our highway program is to ensure defense requirements are considered in civil highway policy, plans, and programs.

Our partnership with the DOT, and specifically the FHWA, ensures defense needs are an integral part of national transportation initiatives. Membership in the American Association of State Highway and Transportation Officials (AASHTO) ensures a parallel partnership with State DOTs. A prime example of our success in this cooperation was the creation and completion of the National System of Interstate and Defense Highways, more commonly referred to as the Interstate Highway System. We are pleased that Congress, in passing ISTEA, had the foresight to require the Strategic Highway Corridor Network (STRAHNET) and STRAHNET connectors be included in the NHS. In addition, while ISTEA provides an increased role for State and local governments in funding flexibility, such as transferring funds between highway and transit accounts, the NHS ensures that the States are directing funds for national needs.

The task of this subcommittee, to draft legislation formally designating and approving the NHS, is critical to this nation's future highway and transportation program, as well as national security. Approval of the NHS is critical to defense deployment and mobilization initiatives. These are issues of national significance, and the NHS will ensure adequate resources continue to be directed to the most significant routes.

Operation DESERT SHIELD/DESERT STORM is the most recent and highly visible demonstration of how important a healthy NHS would be to DOD. Much of the tremendous success of the overall operation was due to logistical

accomplishments which allowed movement of the forces to the theater. The importance of the U.S. highway system in mobilizing troops and equipment and deploying defense forces to U.S. ports of embarkation was proven many times. In addition the highway system provides modal redundancy. Originally, the 101st Airborne was to move from Fort Campbell, Kentucky, to the port in Jacksonville, Florida, by rail. However, due to problems with the rail spur leading out of Fort Campbell, the 101st was instead transported by 1,174 trucks from 27 commercial trucking companies to the port. We would not have been able to make this critical unit move had the United States not had a world-class highway system. Approval of the NHS will ensure these capabilities are enhanced and continued into the future.

Even before DESERT STORM, changing political conditions, here and abroad, were causing DOD to rethink national military strategy and reshape and reposition military units around the world. Since the end of the Cold War, the number and proportion of military units forward deployed in Europe and other locations outside the United States has declined. The military is now smaller in size and based largely in the United States. The national strategy now relies on "force projection" and "forward presence". This strategy requires the capability to "project" military forces rapidly from the United States to wherever they are required in the world. Critical to this new strategy are the condensed unit deployment time-frames for moving forces from their origins to U.S. air and sea ports of embarkation. While we had approximately six months to deploy troops and equipment during DESERT SHIELD, we recognize we cannot depend on that luxury in the future. Our requirement is to ensure deployment of a full Army corps (five divisions) and a theater support command up to 8,700 miles in a very compressed time frame. This alone would be a Herculean task, yet we must also be able to transport the

Navy, Marine, and Air Force combat and support units over similar distances simultaneously. Obviously, highways, and in particular the NHS, are critical pieces of our plans.

As you are aware, the proposed NHS includes STRAHNET and important connectors between STRAHNET and military installations and ports. These routes represent the portion of the system of public highways we need to support defense highway movement requirements. Utilizing a geographic information system, DOD highway engineers identified STRAHNET routes by routing DOD peacetime and wartime traffic over a digitized highway network. Important corridors were based on DOD peacetime and wartime traffic and oversize/overweight movements along with consideration of points of strategic interest. After our initial analysis, we worked closely with military installations, FHWA, and the States to identify optimum STRAHNET and connector routes. As an example, we considered the State's suggestions of alternate routes better suited for defense requirements. Routes submitted for STRAHNET and connectors by DOT in their NHS submittal reflect these extensive coordination efforts. The present 158,674-mile NHS includes about 61,100 miles of STRAHNET routes. Only about 15,700 miles are non-Interstate routes. In addition, there are approximately 1,900 miles of connectors in the proposed NHS. Overall, non-Interstate STRAHNET routes and connector routes account for slightly less than 10 percent of NHS mileage.

NHS designation will help ensure that funds collected to support our nation's highways can be applied to public highways important for defense, ensuring these routes are able to support any future emergency. Associated improvements will enhance highway safety and could reduce congestion in critical areas, as well as improve access for DOD military and civilian employees between home and work. Most important for USTRANSCOM and the

nation, the NHS and associated federal funding will help ensure these critical routes meet defense readiness conditions. This means pavements will be rehabilitated and deficient bridges upgraded or replaced in a timely manner.

Because of abbreviated deployment windows to ports of embarkation, passage of the NHS is even more significant to the DTS than the development of the Interstate System in the 1950s. President Eisenhower was keenly aware of the significance of a good highway network. Early in his military career he became aware of the logistical problems associated with a cross-country convoy. His vision paid off with the creation of the Interstate System, and one of the primary reasons the concept was approved was to support defense needs. History has shown, in addition to satisfying defense needs, the Interstate System has been a boon to interstate commerce and has increased our ability to be globally competitive. Approval of the NHS will maintain this advantage for the nation into the twenty-first century.

We agree with DOT on another key aspect of the NHS. Flexibility must be built into the system to accommodate future needs. Periodically, and I would say more frequently for the foreseeable future, a military unit's installation or mission will change, causing us to review the unit's transportation requirements. Good examples of this are the changes associated with the continuing Base Realignment and Closure (BRAC) actions. These actions could force minor revisions to STRAHNET or connector routes, requiring coordination with the States and FHWA. Accordingly, the NHS should be sufficiently flexible to adapt to both defense needs and the long-term economic conditions throughout the nation.

In keeping with our view of the future, trends towards intermodalism, and improved use of information systems, we wholeheartedly support the DOT position that the NHS should be the first step, and the backbone, in the

development of a National Transportation System (NTS). We must get optimum performance levels out of our transportation system by defining intermodal transfer points and capabilities. To help improve our performance, during exercises DOD is evaluating the use of containers and intermodal capabilities to deploy equipment and troops efficiently and expeditiously to world trouble spots. The creation of the NTS would advance the primary objective of ISTEA, which is to "develop a National Intermodal Transportation Syatem that is economically efficient, environmentally sound, provides the foundation for the Nation to compete in the global economy, and will move people and goods in an energy efficient manner."

While not directly related to the NHS, the availability of accurate transportation infrastructure data needs to be emphasized. In light of the requirement for expeditious deployment, this data is critical to DOD for performing current and future deployability analyses. The availability of a national transportation database on the statua of our domestic infrastructure is as important to the planning of our deployments as is the intelligence information available for overseas locations. ISTEA took a big step in highlighting the need for such a national level database. In addition, the utility of these databases could be significantly improved by the development of an appropriate analysis platform.

In summary, a healthy, viable highway system is imperative to the nation's defense, as well as interstate commerce. The NHS provides the vehicle for focusing federal emphasis and oversight on those routes most important to interstate and international commerce, major connections with other modes of travel, and national defense. The importance of the NHS to defense cannot be overstated. It will ensure there is a designated funding source dedicated to improving these highways and that they are capable of

expeditiously deploying defense forces to air and seaports of embarkation. Approval of the NHS will create a process for prudent investment of federal funds. Like the decisions in the 1950s on the Interstate System, approval of the National Highway System, as well as future decisions on the total National Transportation System, is an opportunity to guarantee our transportation infrastructure can support the nation's economic and defense requirements into the twenty-first century.

Mr. Chairman, members of the committee, we atrongly urge your fullest support for the NHS. This critical legislation as it pertains to force mobilization and deployment will certainly strengthen our national security Thank you for the opportunity to present our views. I will be glad to address any questions you might have.

American Association of
State Highway and
Transportation Officials

Howard Yerusalim, President
Secretary of the
Pennsylvania Department
of Transportation

Francis B. Francois
Executive Director

STATEMENT BEFORE THE

SUBCOMMITTEE ON SURFACE TRANSPORTATION

OF THE

HOUSE COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION

Relating to

LEGISLATION DESIGNATING THE NATIONAL HIGHWAY SYSTEM AND ANCILLARY ISSUES RELATING TO HIGHWAY AND TRANSIT PROGRAMS

By

HOWARD YERUSALIM

President, American Association of State
Highway and Transportation Officials
and
Secretary of Transportation, Commonwealth of Pennsylvania

March 1, 1994

Founded in 1914, AASHTO represents the departments concerned with transportation and highways in the fifty States, the District of Columbia and Puerto Rico, to foster the development, operation and maintenance of an integrated national transportation system. The active members of AASHTO are the duly constituted heads and other chief directing officials of the member transportation and highway agencies.

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Working To Connect America

Mr. Chairman, my name is Howard Yerusalim. I am Secretary of Transportation for the Commonwealth of Pennsylvania, and President of the American Association of State Highway and Transportation Officials (AASHTO). On behalf of AASHTO, I am pleased to accept your invitation to testify on legislation to implement the National Highway System (NHS) provisions of the Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991, and some ancillary issues relating to highway and transit programs.

I am accompanied today by top officials from several of AASHTO's Member Departments. They include: G.M. "Mack" Roberts, Director of the Alabama Department of Transportation and President of the Southeastern Association of State Highway and Transportation Officials (SASHTO); Allan L. Abbott, Director of the Nebraska Department of Roads and President of the Mississippi Valley Conference of State Highway and Transportation Departments (MVCSHTD); and Donald C. Diller, Director of the Wyoming Department of Transportation and President of the Western Association of State Highway and Transportation Officials (WASHTO), all of whom will present testimony.

In addition, I am accompanied by Charles L. Miller, Secretary of Transportation for West Virginia and Chairman of the AASHTO Standing Committee on Highways, who is prepared to comment on AASHTO's concerns with regard to the crumb rubber modifier requirements of Section 1038 of the ISTEA, and Clyde Pyers, Director of the Office of Highway Policy Assessment for the Maryland Department of Transportation, and chairman of the AASHTO subcommittee that has guided our work on the National Highway System, who is prepared to respond to questions on that effort. All members of our panel will of course be pleased to respond to any questions you may have.

Mr. Chairman, in addition to my providing AASHTO's formal comments on the NHS, I will also provide in this prepared statement our views on the following ancillary issues relating to the highway and transit programs:

- Overview comments on progress in implementing the ISTEA, including the flexibility provisions, and rule making activities on planning and the six ISTEA management systems.

- The need for full-funding of the ISTEA, for both highways and transit, including transit operating assistance.

- Overview of the impact of the Clean Air Act Amendments (CAAA) of 1990 on implementation of projects under the ISTEA.

- Relief from the mandates and sanctions imposed on Federal-aid programs, including the crumb rubber mandate of Section 1038 of ISTEA, and the penalties under Section 1031(h) on a State's ISTEA funding for not having enacted both a motorcycle helmet and a seat belt law as called for in ISTEA.

- The Federal mandate on metrication, and in particular, its application to highway and road signing.

Each of these subjects has been addressed by the AASHTO Board of Directors, and resolutions thereon are contained in the January, 1994 AASHTO Transportation Policy Book, copies of which are being provided to the Subcommittee. In my testimony I will refer to specific policy statements and resolutions contained in the Policy Book. The Policy Book addresses many additional areas of concern to the AASHTO Member Departments beyond those commented on in this testimony, but we believe the issues discussed herein are particularly responsive to the Subcommittee's request for AASHTO's testimony.

Let me now turn to AASHTO's comments.

THE NHS

Mr. Chairman, AASHTO is very pleased that your Subcommittee is taking up the National Highway System proposal of the U.S. Department of Transportation this year, one full year ahead of the deadline established in the ISTEA. We have made enactment of NHS legislation the first priority for AASHTO, and we support U.S. DOT's NHS proposal to you.

AASHTO's involvement in this NHS proposal began in the early 1980's, when we started work on the concept of a "System of Highways of National Significance" (SHNS) and recommended it in our 1985 AASHTO Report A New Focus for America's Highways. During the course of the Transportation 2020 effort that AASHTO initiated in 1987 we further refined our SHNS concepts, which were included in our 1989 AASHTO Report New Transportation Concepts for a New Century. Copies of these two AASHTO reports have previously been provided to the Subcommittee, and another set is being filed with this testimony.

As part of our work in Transportation 2020 we met jointly with the Federal Highway Administration. In those meetings we agreed on the need for a functional reclassification of the nation's highways, and subsequently our Member Departments helped the FHWA develop an illustrative National Highway System map. We were pleased that the NHS was included in the ISTEA, and since its enactment we have continued to work with the Federal Highway Administration and U.S. DOT to help prepare the proposal that is now before you.

AASHTO's work on the NHS was guided by a subcommittee organized under our Standing Committee on Planning, of which Clyde Pyers of the Maryland DOT was chair. This subcommittee is continuing its work, and in January met to consider further developments in the NHS regarding intermodal facilities.

Mr. Chairman, over the years AASHTO has had many discussions and debates about the National Highway System, and many issues needed resolution. We believe that the NHS forwarded to you by U.S. DOT in December has resolved those issues, and to our best knowledge all of our 52 Member Departments are giving their support to the proposal.

During 1993, as the NHS proposal was emerging in final form, the AASHTO Board of Directors adopted two key policy resolutions by more than the required two-thirds vote of our 52 Member Departments. They are identified as follows, and copies will be found in the 1994 Policy Book:

PR-11-93 - National Highway System Mission Statement

PR-13-93 - National Highway System Establishment

PR-11-93, found on pages IX-81-82 of the 1994 Policy Book, sets forth the mission of the NHS as viewed by the Member Departments of AASHTO. It cites from the Preamble to the AASHTO National Transportation Policy our support for a national transportation system that involves "all forms of transportation in an interconnected manner, including existing highway and transportation facilities and transportation systems of the future." It also states our view that the NHS is "A key component of that intermodal transportation system," and identifies five criteria that the NHS should meet, which the U.S. DOT proposal does.

The NHS is an investment in America's future. As stated in the resolution, a commitment to the NHS is needed "to accommodate population growth and serve economic development," and to "maintain the system, and construct where appropriate essential segments to the system." The resolution asserts "It is time to connect different transportation modes, to assure efficient movement of agricultural products and industrial goods, to improve safety and to guarantee the country's continued economic vitality into the 21st Century."

PR-13-93, found on pages IX-102-104 of the 1994 Policy Book, was adopted last October by the AASHTO Board of Directors. It explicitly states AASHTO's support for:

"1. The establishment of a National Highway System as defined in the ISTEA;

2. The provisions of the ISTEA that provide States with overall responsibility for NHS route and project selection;

3. The planning and public participation provisions of the ISTEA which insure that Metropolitan Planning Organizations, other transportation agencies and the general public have a significant role in the NHS program;

4. The process for designation of NHS routes as defined by the ISTEA and FHWA rules and procedures; and

5. The flexibility and transferability provisions in Section 1006 of the ISTEA which enable States to address critical transportation needs identified in the MPO and State transportation planning process."

Mr. Chairman, as is evident from these resolutions, AASHTO supports both the spirit and the language of the ISTEA regarding establishment of the NHS, and we are pleased that the U.S. DOT has also supported the ISTEA and has not recommended changes to the NHS provisions in its submittal to you.

There are some who want to see changes to the ISTEA provisions regarding the NHS, some of which could destroy the NHS concept and make it impossible to meet the important mission for America that Congress and our Member Departments see for the NHS.

Our policy resolution PR-13-93 opposes recommendations which we believe would change the intent of the ISTEA regarding the NHS, such as the following four recommendations by others which as stated in the resolution would:

"1. Suballocate NHS funds to large metropolitan areas;"

The major purpose of the NHS as stated in the ISTEA is:

> "to provide an interconnected system of principal arterial routes which will serve major population centers, international border crossings, ports, airports, public transportation facilities, and other intermodal transportation facilities and other major travel destination; meet national defense requirements; and serve interstate and regional travel."

The NHS as thus defined is not intended to be a metropolitan transportation system, but rather is State and national in scope. The States are best able to determine the NHS routes and the projects required for this State and national system, and to allocate the available resources. If NHS funding should be suballocated to all metropolitan areas without regard to the purposes and needs of the NHS, it would serve to severely undermine the ability of the States and the FHWA to assure that the NHS purpose as stated in the ISTEA is achieved.

"2. Expand the role of MPOs in selecting projects for NHS funding;"

The ISTEA has put in place a revitalized planning program that vests a primary responsibility for metropolitan transportation systems in the Metropolitan Planning Organizations, and primary responsibility for the State, regional and national systems in the States. If the States are to assure that the purposes of the NHS as defined in ISTEA are to be achieved, then the States must retain the authority for selecting and prioritizing NHS projects, as provided in the ISTEA. Otherwise, severe discontinuities in the national network might occur.

The MPO and State planning provisions of the ISTEA provide ample opportunity for the views of all interests to be considered. We believe that the final decisions on the NHS must be reserved to the States, as is provided in the ISTEA.

"3. Change the NHS designation process as defined by the ISTEA and FHWA;"

We believe that the designation process set forth in the ISTEA has worked well, and that no changes therein are needed or are appropriate.

There appear to be some who believe that the designation process is the "last word" on the NHS. This is not, and should not be, true. First of all, the NHS must be considered a living process, and the U.S. DOT proposal to the Congress provides for this. Specifically, Subsection (c)(2) of the U.S. DOT's revised proposed legislation sent to you on February 22, titled "Modifications," sets forth a clear and rational process by which new segments can be added and existing route segments and connections deleted from the NHS, which requires that when a State requests such changes they must "establish that the requested route changes have been identified cooperatively with local officials through the metropolitan and statewide transportation planing processes" established in the ISTEA. Then, the Secretary must determine that the requested changes "enhance the national transportation characteristics of the National Highway System."

Finally, it needs to be understood that projects on the NHS must still go through the statewide and metropolitan planning processes required by the ISTEA, as well as environmental approval processes, including the conformity requirements of the Clean Air Act Amendments of 1990.

Enactment of the U.S. DOT NHS proposal is thus not the final word on the NHS, and projects that might be advanced. Rather, such enactment establishes the vision of the National Highway System to carry out the purposes stated in the ISTEA, and a process for modification as necessary over coming years, a vision and modification process we must have if we are to provide America with the national highway network that will be the backbone of our national transportation system over the coming decades.

"4. Limit the States' flexibility in the use of NHS funds by requiring a maintenance set aside, by prohibiting the use of NHS funds for new roads or capacity, and by mandating a set aside for multimodal projects."

Each of these three suggestions by others go directly against the basic concept of the ISTEA, which was to delegate decision making to the States and local governments, and to provide metropolitan and State planning processes to assure that the soundest possible decisions would be made. In our vast nation, different States and different regions have different needs. Accordingly, if the ISTEA is to work as intended, the States must have the maximum of flexibility to utilize the funding of the ISTEA. To establish arbitrary maintenance set asides, prohibit use of NHS funds for new roads or capacity, or to mandate a set aside for multimodal projects is directly contrary to the core concepts of the ISTEA, and could render achievement of the NHS vision stated in the ISTEA difficult if not impossible to achieve.

Mr. Chairman, AASHTO and its Member Departments support U.S. DOT's proposal for the National Highway System. We strongly urge you to approve it, so that we can move forward with the NHS and the opportunities it will provide for our nation.

The NHS and the National Transportation System

When Sec. Federico Peña presented the National Highway System last December, he also spoke of the need for our nation to think in terms of the entire National Transportation System (NTS). He recognized that the National Highway System is the backbone of a NTS, and wisely recommended that the U.S. DOT proposal for the NHS move forward in the Congress, without amendments to the NHS provisions of the ISTEA. We support this approach.

At the same time, AASHTO recognizes the need to look at the entire NTS. The States are involved in all transportation modes, aviation, transit, railways and harbors, as well as highways. In transit, for example, the combined funding contributions of the States to support transit now exceeds by a wide margin the Federal support for this important mode. It is primarily the States that will be responsible for intermodal connections, certainly where public facilities are involved; this is recognized in the NHS provisions of the ISTEA, and is why State involvement in any plan for a NTS is vital.

In November, 1993, before Sec. Peña's announcement of the NHS and his plans to develop a NTS, the AASHTO Board of Directors approved PR-23-93, titled "National Transportation System," a copy of which is found on pages IX-115-116 of our 1994 Policy Book. The resolution recognizes the goal stated in the ISTEA that "It is the policy of the United States to develop a National Intermodal Transportation System," and its resolve states that:

> "... should U.S. DOT and/or Congress undertake establishment of a National Intermodal Transportation System composed of all modes, AASHTO hereby adopts as its policy that the State departments of highways and transportation be involved in that effort."

In January, on behalf of AASHTO I wrote to Sec. Peña, reminding him that the Member Departments of AASHTO are actively working to implement the far-reaching intermodal features of the ISTEA, and our important role in developing the recommendations for the NHS. I observed that many States have worked for years in establishing multimodal plans, and offered our help in defining a NTS.

We believe that AASHTO and its member highway and transportation agencies must be a vital part of any discussions and decisions involving a NTS, and in my letter we assured Sec. Peña of our desire to work closely with the U.S. DOT and its agencies on the NTS.

Mr. Chairman, we offer this same assistance to your Subcommittee. We do not know your intentions with regard to supporting Sec. Peña's NTS concept, but if you do move forward with any legislative provisions we ask that you consider specifically including AASHTO and its Member Departments in the NTS process, as was done with respect to establishing the National Highway System. Having State involvement in development of the NHS was and is critical, and the same will be true for any legislation furthering a NTS.

Mr. Chairman, let me now move to the ancillary issues I identified earlier.

OVERVIEW OF ISTEA IMPLEMENTATION

Mr. Chairman, considering that the ISTEA made dramatic changes in our surface transportation programs, and that only a little over two years has elapsed since its enactment in December, 1991, we believe that remarkable progress is being made in implementation of the ISTEA. Across this nation our Member Departments are working hard to implement the new concepts, as are Metropolitan Planning Organizations, many interest groups, and the U.S. DOT and its modal administrations. We especially want to emphasize the support that the Federal Highway Administration has been and is providing to us, to help the implementation process.

During these first two years, highway programs have moved from the old system concept to the interim NHS and the new Surface Transportation Program concepts. In many States, accommodations had to be worked out to honor existing commitments with local governments whose secondary and urban programs were eliminated. Most of this has been accomplished. In most States new arrangements between MPOs and the States have had to be worked out, and this process is well along. Our Standing Committee on Planning, working with the National Association of Regional Councils and the American Public Transit Association, has conducted two surveys on MPO issues and procedures, and we are continuing this monitoring activity.

The new concepts of ISTEA have generated the need for training of staff, especially at the MPO level, to handle new responsibilities, and this is progressing. The new metropolitan and State planning processes are being put in place, and over the next year or two should start producing the new metropolitan and State transportation programs envisioned under the ISTEA. Meanwhile, the flexibility provisions of the ISTEA have been utilized in many States, and some $1 billion has been moved from highways to transit. Although ISTEA also allows transfers from transit to highways, to our knowledge no such transfers have yet occurred.

It is a time of generational change in our nation's surface transportation programs, and overall we believe that the changes called for by the ISTEA are moving ahead perhaps better than anyone could have expected. But this does not mean that there are not concerns, or that everyone believes that the goals of ISTEA are being fully met.

Mr. Chairman, let me comment on just three concerns that we are aware of:

- Concern that in promulgating the regulations for the new metropolitan and State planning processes, and the six management systems, U.S. DOT and its agencies are requiring too much data to be collected and analyzed, without clear reasons for doing so. This same concern has been raised by the Office of Management and Budget with respect to the management system regulations.

Data is expensive to collect and analyze, and the costs involved come out of funding that would otherwise be utilized to provide transportation services.

- Concern about the burdensome processing requirements attached to the Transportation Enhancement Program, (TEP). Many Member Departments and project sponsors are concerned about what they believe is an excessive amount of Federal control over the TEP projects, compared to their nature and the amount of funding involved. Many project sponsors express the same concerns, and frustration with the need to fully comply with environmental and other review requirements. Some of our Member Departments have suggested that this become a grant program, where once projects are determined funding would go directly to the sponsor. We expect this will be a continuing problem area, until some resolution to the concerns occur.

  Initially there were substantial concerns about the selection processes for TEP projects in several States. We believe that, with experience, most of these concerns are being resolved. But the process requirements on actually carrying out a project are of continuing concern.

- Concerns that the flexibility program is not producing the desired results in some areas, and in particular that not enough highway funding is being transferred to transit. Frankly, this is a puzzling issue, since the ISTEA did not set any specific transfer funding level goals, and indeed such goals would go against the very concept of State and local decisions being made through the new planning processes.

  In any case, we suggest that it is too early to determine how transferability of funding is working, for several reasons. As noted earlier, States and their local governments have had to work out mechanisms to transition from the "old" programs to the ISTEA, and this has often required use of STP funds. In addition, the new MPO planning processes are not yet fully in place, nor are all the State processes.

  We believe that the appropriate time for the Subcommittee to review the flexibility issue will be during the reauthorization of the ISTEA, after more years of experience have been accumulated.

Regarding transferability, some of our Member Departments are frustrated by the difference in procedures between the FHWA and the Federal Transit Agencies, which seem to cause unneeded delays when highway funds are transferred to transit projects.

There are other programmatic elements of the ISTEA that also generate concerns, such as usage of the Congestion Management/Air Quality (CMAQ) funding, the crumb rubber mandate of Section 1038(d), which I will address later, and the overall management role of U.S. DOT and its agencies. These

are only some of the problems areas and concerns that have surfaced thus far under the ISTEA, and some may well be resolved over the coming months between the U.S. DOT and its administrations, and the States, MPOs and local governments.

In summary, as stated earlier, we believe that implementation of the ISTEA is moving along quite well, given the many issues involved. We continue to believe that the ISTEA should be allowed to work for a few more years before any major changes are enacted, and that the proper time to consider such major changes is in the next reauthorization cycle.

FULL-FUNDING OF ISTEA

Mr. Chairman, the one area where there is unanimous agreement in the transportation community regarding ISTEA is the need for Congress to fund the Act to its authorized levels. Recognizing that the jurisdiction of the Subcommittee is limited to authorization issues, we nevertheless want to comment about the need for Congress to fully-fund the ISTEA. This is vital to making the ISTEA work as intended, including its transfer provisions. Thus far, as you are well aware, we have yet to achieve funding to the levels authorized. We hope that FY 1995 will be the year when the full-funding goal is achieved, but while the President's budget moves in that direction it does not reach this goal.

Highways

The President's budget holds the promise of nearly full highway funding for FY 1995, but because this was achieved by a proposal to rescind current authorizations that we believe Congress will not accept, there is now a $400 million outlay funding problem in the Administration's highway program budget. We hope this gap can be closed, because full funding of the highway portion of the ISTEA is truly needed.

To emphasize the need for higher funding levels, we refer to The Status of the Nation's Highways, Bridges, and Transit: Conditions and Performance report provided to the Congress by the U.S. DOT in January, 1993. EXHIBIT 4 of that report, on page 18, summarizes the "Annualized Investment Requirements-1992-2011," in 1991 dollars without inflation, for our nations highways and bridges. These capital costs are identified for two scenarios, as follows:

Annualized Cost to Maintain Conditions and Performance:

Total Highways	$46.4 billion
Total Bridges	5.2 billion
Total	$51.6 billion

Annualized Cost to Improve Conditions and Performance:

Total Highways	$59.0 billion
Total Bridges	8.2 billion
	$67.3 billion

A copy of EXHIBIT 4 is attached.

Turning to the most recent available statistics, found in FHWA's 1992 Highway Statistics report, page 43, a copy of which is also attached, total capital outlay by all levels of government in 1992 on our roads and highways was only $38.708 billion, substantially below the "cost to maintain" need of $51.6 billion, and far below the $67.3 billion level necessary to improve conditions and performance to acceptable levels.

Mr. Chairman, on the average the Federal contribution toward capital costs in our highway and bridge programs is about 41 percent, with the balance of the funding coming from State and local resources. Therefore, if the full $20.4 billion authorized for FY 1995 for highways was all applied to capital projects at the same 41 percent average Federal contribution level, full funding could result in a capital program of around $49.76 billion. This would begin to approach the requirements for a "cost to maintain" program, as identified in EXHIBIT 4 and the U.S. DOT report. But of course, not all of the authorized $20.4 is actually expended for capital projects, because of deductions for such things as the Transportation Enhancement Program, and any transfers of highway funding to transit.

The point, Mr. Chairman, is that full-funding of ISTEA is badly needed for America's highways. And even with full-funding, we will fall short of the requirements identified in the U.S. DOT report, which are generally regarded as conservative.

Transit

Mr. Chairman, in transit we have also not achieved full funding, and indeed have fallen significantly short of the authorized levels. For FY 1995 the President proposes additional funding for capital projects, although not to authorized levels. But at the same time the budget also proposes a cut in transit operating assistance.

We are concerned about the proposal in the Administration's FY 1995 budget submission to reduce transit operating assistance by $202 million or 25 percent. Continuation of Federal support for both capital and operating assistance is essential for maintenance of existing transit systems and an important element in expanding transit service, particularly in small urban and rural areas.

AASHTO policy statement PT-2, found on page V-2 of our 1994 Policy Book, states:

> "The Federal government is encouraged to continue to carry out its long-standing policy of Federal, State, and local partnership with respect to public transportation financing. Maintenance of this policy requires program funding at current or expanded levels and the ability to continue to utilize Federal funding for operations."

Transit systems in small urban areas would be particularly hard hit by reductions in their operating budget, and would have to either increase fares

or reduce staff and service. We do not think that increasing fares, which will likely reduce ridership, or reducing service is appropriate at a time when our national policy is stressing increased transit service.

The States are working to meet the requirements of several major Federal legislative initiatives, including the Clean Air Act and the Americans with Disabilities Act, both of which contain policy directions to increase the use of public transit and expand its availability. Similarly, in the declaration of policy which opens the Intermodal Surface Transportation Efficiency Act (ISTEA), Congress calls for "...significant improvements in public transportation necessary to achieve national goals for improved air quality, energy conservation, international competitiveness, and mobility for elderly persons, persons with disabilities and economically disadvantaged persons in urban and rural areas of the country."

The States have not received additional Federal funding to meet these several added Federal requirements, and it seems inappropriate to reduce Federal funding to operate transit at a time when the States are making a good faith effort to meet the requirements of these major national initiatives.

The States have been doing their share to improve public transportation. Since 1980, AASHTO has been conducting a Survey of State Involvement in Public Transportation. This report has shown a continued growth in State funding. The most recent report for 1992 indicates a State funding level of $6 billion compared to a $3.8 billion Federal funding level for the same period.

Mr. Chairman, AASHTO urges the Subcommittee to support funding operating assistance for the Federal transit program at the current level, and opposes the reduction as proposed in the Administration's FY 1995 budget.

IMPACT OF THE CAAA OF 1990

Mr. Chairman, compliance with the Clean Air Act Amendments (CAAA) of 1990 is critical to the future of transportation. We fully support efforts to protect and enhance the quality of our air for future generations, and agree that transportation must be part of the solution. However, we are concerned with the potential sanctions against transportation and other impacts to implementing transportation programs.

We want to briefly mention three issues related to the clean air requirements. These are conformity, transportation control measures and enhanced emissions inspection/maintenance programs.

On November 24, 1993, the U.S. Environmental Protection Agency (EPA) published a final rule outlining how States are to demonstrate that transportation plans, programs, and projects conform to air quality standards. This final conformity rule places a new requirement on transportation programs to reduce the levels of Nitrogen Oxide (NOx) emissions in addition to Volatile Organic Compounds (VOCs). This new requirement will make it difficult to demonstrate conformity since measures to reduce VOCs sometimes contradict measures to control NOx. Transportation agencies have traditionally reduced

VOCs by enhancing traffic flow. However, improved flow may actually increase NOx emissions, starting at speeds over 22 m.p.h.

This is a concern with many States. Recently, the State of Delaware received notice from the EPA that their conformity analysis could not be approved due to the inability to meet the NOx requirement. Governor George V. Voinovich of Ohio, as well as Ohio's Congressional Delegation, has petitioned President Clinton and EPA Administrator Browner to provide relief from the NOx requirement. Their concern is the same as many other States, namely, that the NOx requirement may halt transportation programs, thereby adversely affecting each State's economy.

Transportation control measures (TCMs), as defined by the CAAA, are designed to reduce emissions by improving traffic flow, reducing congestion or reducing vehicle use. These measures will take effect if an area fails to achieve its 15 percent reduction target, fails to meet the National Ambient Air Quality Standards target dates, or, in the case of an area classified as serious or above, fails to meet the 3 percent annual reductions required after 1996. The final conformity rule states that delays in implementing TCMs are not permissible due to a lack of funding, inadequate commitments, lack of local government approvals, or other "negligent" actions.

The reality of TCMs are that they do not exhibit large reductions in emissions; are frequently expensive to implement; and, in some cases, will be difficult for the public to accept. For example, the more effective TCMs, in terms of reducing emissions, include smog taxes, congestion pricing and other measures that will most probably be met with resistance from the driving public.

The third clean air problem facing many States is the implementation of enhanced emissions inspection/maintenance (I/M) programs. The EPA has been sending mixed signals to the States. The EPA issued a final rule which states that only a centralized "test only" program would be acceptable in those jurisdictions requiring an enhanced I/M program. They threatened three States with sanctions because they did not proceed towards such programs. Two of these States have since passed legislation in an attempt to comply. However, EPA is now giving signals that would indicate something less than a centralized "test only" system may be acceptable.

Several States are moving to possibly halt or modify their centralized programs until the issue is clarified by EPA. The Senate in my own State of Pennsylvania has included amendatory language in a bill currently under consideration that could affect the implementation of our centralized I/M program. If State legislatures stop or alter their I/M programs, these States may not be able to meet the I/M implementation target date of January 1995. This could place States at risk of being sanctioned.

Mr. Chairman, any of these issues could severely impact on a State's ability to implement key transportation improvement projects on the National Highway System or elsewhere on their transportation system.

MANDATES AND SANCTIONS

Mr. Chairman, as I am certain you and the members of the Subcommittee know, AASHTO supports the elimination of sanctions in the Federal transportation program, and favors incentives where needed to encourage States to comply with Federal policy, as stated in policy statement H-44 found on page III-7 of our 1994 Policy Book. We are aware of and support the efforts by the Governors and local governments to seek a general lessening of Federal mandates and sanctions. Of special concern to us are sanctions that are imposed upon us and which affect highway funding, when they are related to actions over which our Member Departments have no direct control.

There are two specific mandate and sanction situations that we want to comment on to the Subcommittee, the first being the requirements of Section 1038 of the ISTEA regarding the use of ground tire rubber in asphalt pavements, commonly referred to as the "crumb rubber modifier" or "CRM" mandate.

Section 1038 has been of special concern to most of our Member Departments because of the engineering questions we have about the use of CRM in hot mix asphalt, and the extent and nature of the sanctions for failure to fully meet the mandate of the ISTEA.

Turning to the last issue first, as interpreted by the FHWA it is necessary that a State fully achieve the 10 percent, 15 percent and 20 percent levels stated in the Act, not 9.99 percent, 14.99 percent and 19.99 percent, for example. If the mandate for a given year is not fully achieved, then the State has that full percentage of highway funding denied to it. We believe that the level of the sanction is too great, and that, in any case, credit should be given if a State falls somewhat short of the full percentage goal for a given year.

Turning now to the engineering issues AASHTO has with Section 1038, our position is summarized in policy resolution PR-18-93, titled "Review and Modification of ISTEA Provision Regarding Utilization of Recycled Rubber in Asphalt Pavement," found in our 1994 Policy Book on pages IX-108-109.

We recognize that a few States, specifically Arizona, California and Florida, have experience with the use of CRM, in the case of Arizona over 20 years of experience. These States have developed processes that work for them, and procedures for utilizing CRM. But other States are encountering severe difficulties in utilizing CRM in hot mix asphalt, and many failures have resulted. At the very least, the time table set out in Section 1038 is not adequate for our Member Departments, which as we understand it is part of the reason that the President's budget for FY 1995 proposes, on page 710, that the suspension of implementation of Section 1038(d) imposed by Congress last year in the appropriation bill be extended for FY 1995. We fully support such an extension.

PR-18-93 makes several recommendations that we call to the attention of this Subcommittee.

Mr. Chairman, our first recommendation is that Section 1038(d) be totally repealed. Given the engineering difficulties that our Member Departments are encountering and the added costs of using CRM, we believe this is the most reasonable and prudent course. Then, CRM as one of the many modifiers of asphalt can compete with the other modifiers, as engineers design pavement structures. In many instances, as is currently the practice in some States and European nations, CRM will be employed. But we submit that because of the engineering issues involved and the different conditions found in our States, it is unreasonable to impose a specific CRM requirement on all States.

If total repeal is not acceptable, then PR-18-93 lists some modifications that should be made to Section 1038(d) before it is allowed to go into effect. Among modifications that should be considered are the following, as stated in PR-18-93:

"• allowing credit towards any utilization requirements for a full range of uses of recycled rubber,

• converting the provision to an incentive program from a sanction provision or, in the alternative, greatly reducing sanctions;

• allowing waivers or reducing minimum utilization targets if the cost of utilizing the material is significant, including consideration of waivers for States which would have to import recycled rubber; and

• delaying the effective date of the provision."

Mr. Chairman, I will later call upon Mr. Miller to comment further on our position regarding Section 1038. As I stated earlier, he is Chairman of our Standing Committee on Highways, and has appointed a Task Force on Section 1038 that is continuing our review of this mandate.

Another mandate that is of concern to several of our Member Departments is the penalties imposed under Section 1031(h) on a State's NHS, Congestion, and STP funding if the State does not have a motorcycle helmet law and a seat belt law in effect as required under ISTEA. This sanction is an example of one that directly affects our Member Departments, but which we at the Department level have no power to satisfy. In some States, the State legislature is finding it very difficult if not impossible to enact both of the laws called for under the ISTEA, while some have enacted one of them. But just enacting one of the two laws leaves the full sanction in place.

Section 1031(h) is addressed in policy resolution PR-4-92, titled "ISTEA Funding Penalty for States Without Motorcycle Helmet and Seat Belt Laws," which is found on page IX-41 of the 1994 Policy Book. It urges that Congress revise the penalty provisions to reduce the penalty by one-half if the State has a law in effect either for motorcycle helmets, or for seat belts. Mr. Chairman, we request that the Subcommittee consider this proposal.

FEDERAL MANDATE ON METRICATION

Mr. Chairman, acting under a requirement of the Congress that our nation move to the metric system, the U.S. DOT has mandated that all Federal-aid highway construction projects be converted to metric units by September 30, 1996. Given this mandate, AASHTO, its committees, and our Member Departments have been engaged in efforts to convert our internal engineering and other operations to the metric system. For example, our 1994 AASHTO materials standards are mostly in metric units, and the 1995 edition is expected to be fully metric. The new AASHTO bridge standards to be published this year will be available in both metric and English units versions, with the latter to be dropped in a few years. Currently, a new version of our geometric design standards for highways, the so-called "Green Book," is being balloted, and has only metric units. All of this has cost considerable money, and further costs lie ahead, along with many problems still being identified. Coming at the same time as the many changes imposed on our programs under the ISTEA, it has further burdened our Member Departments. We trust that Congress will be pleased in the end with the results of its metric mandate on our "internal" activities.

There is also an "external" side to the Congressionally-mandated metric conversion of our nations's highways, specifically the many signs for distance and speed that are established on our 3.9 million miles of streets, roads and highways by the States, cities and counties. For full metric conversion in the United States, all of those signs, at all levels of government, will have to be made metric, preferably at the same time to avoid confusion to the motoring public. Obviously, this will be a great expense.

Last October the AASHTO Board of Directors adopted two resolutions regarding metric conversion, identified as follows:

PR-15-93 Traffic Engineering Metric Conversion Factors

PR-16-93 Public Awareness Program - Metrication

Turning first to PR-15-93, found on pages IX-104-107 of our 1994 Policy Book, the main body of the resolution adopts metric conversion factors for converting signs. This portion of the resolution has since been published by AASHTO, and indicates the nature of the changes that the Congressional mandate requires. The fourth provision on page IX-106 relates to the implementation of the sign changes, and it is to this provision that we direct the special attention of the Subcommittee.

As stated earlier, the cost of converting all of the nation's traffic signs to metric will be very large; we do not yet know how large, since a thorough survey has not been completed. The Federal Highway Administration has not yet adopted a final position on sign conversion, and many of our Member Departments are concerned about whether or not the mandate to convert signs will in fact be carried through, or if, instead, the Congress will repeal this metric mandate, especially if public reaction is negative.

Accordingly, before making a final commitment to metric sign conversion, the noted fourth provision on PR-15-93 on page IX-106 states that:

> "With at least a two year lead time, after Congress acts to support the conversion of highways signs to metric, it is recommended ...."

Mr. Chairman, it is thus AASHTO's position that Congress take specific action "to support the conversion of highway signs to metric," before our Member Departments initiate the conversion process. We ask that the Subcommittee consider and act upon this request, by whatever vehicle you believe is most appropriate, so that this matter can proceed.

Turning now to PR-16-93, found on page IX-107 of the Policy Book, it states our belief that the American public is not truly aware of the metric conversion issue, and that a public education program is needed. We have called repeatedly upon both the U. S. Departments of Commerce, which we understand has primary responsibility for the metric conversion effort, and the U.S. Department of Transportation to pursue a public education program with the goal of eliciting "broad public support" for the metrication issue. From our observations, neither department has launched such a broad educational effort, particularly in the area of highway signs.

Mr. Chairman, we solicit the assistance of the Subcommittee to help assure that the general public is aware of the metric conversion effort mandated by Congress, particularly for highway signs.

CONCLUSION

Mr. Chairman, this concludes my testimony. After testimony by my companions on this AASHTO panel, we will all be more than pleased to welcome questions. In addition, we will be pleased to respond to any written questions after this hearing, and to provide whatever additional assistance you may request.

Thank you for this opportunity to provide our views on the NHS and some related issues.

# # #

Exhibit 4
Annualized Investment Requirements
1992–2011
(all estimates expressed in billions of 1991 dollars and do not reflect inflation)

System		Annualized Cost to Maintain Conditions and Performance (Including Metropolitan Expansion)	Annualized Cost to Improve Conditions and Performance (Including Metropolitan Expansion)
Highway	RURAL		
	Interstate	$3.2	$3.4
	Other Arterials	$5.8	$7.6
	Collectors	$6.8	$8.8
	SUBTOTAL RURAL	$15.8	$19.8
	URBAN		
	Interstate	$6.4	$7.5
	Other Arterials	$16.4	$22.9
	Collectors	$3.8	$4.8
	SUBTOTAL URBAN	$26.6	$35.2
	LOCAL TOTAL	$4.0	$4.0
	TOTAL HIGHWAYS	$46.4	$59.0
Bridge	TOTAL BRIDGES	$5.2	$8.2
Highway and Bridge	TOTAL HIGHWAY AND BRIDGES	$51.6	$67.3
Transit	TOTAL TRANSIT	$3.9	$6.6
All Systems	GRAND TOTAL	$60.7	$82.1

TOTAL RECEIPTS AND DISBURSEMENTS FOR HIGHWAYS, ALL UNITS OF GOVERNMENT - 1992[1]

DATA COMPILED FROM REPORTS OF FEDERAL, STATE AND LOCAL AUTHORITIES

TABLE HF-10
OCTOBER 1993

(MILLIONS OF DOLLARS)

ITEM	FEDERAL GOVERNMENT				STATE AGENCIES AND D.C.	LOCAL GOVERNMENTS 2/	TOTAL
	FEDERAL HIGHWAY ADMINISTRATION		OTHER FEDERAL AGENCIES	TOTAL FEDERAL			
	HIGHWAY TRUST FUND	OTHER FUNDS					
RECEIPTS BY COLLECTING AGENCIES							
Highway User Revenues: 3/							
Motor-Fuel and Vehicle Taxes	15,506	-	155	4/ 15,661	5/ 31,876	982	48,519
Tolls	-	-	-	-	2,970	359	3,329
Subtotal	15,506	-	155	15,661	34,846	1,341	51,848
Other Taxes and Fees:							
Property Taxes and Assessments	-	-	-	-	-	4,509	4,509
General Fund Appropriations	-	378	632	4/ 1,010	5/ 1,671	9,627	12,308
Other Taxes and Fees	-	-	237	237	5/ 1,662	875	2,774
Subtotal	-	378	869	1,247	3,333	15,011	19,591
Investment Income and Other Receipts	908	-	-	908	5/ 2,897	2,639	6,444
Total Current Income	16,414	378	1,024	17,816	41,076	18,991	77,883
Bond Issue Proceeds 6/	-	-	-	-	5/ 5,980	3,885	9,865
Grand Total Receipts	16,414	378	1,024	17,816	47,056	22,876	87,748
Intergovernmental Payments: 2/							
Federal Government:							
Highway Trust Fund	(14,875)	-	(127)	4/ (15,002)	14,635	367	-
All Other Funds	-	(296)	(656)	4/ (952)	405	547	-
State Agencies:							
Highway-User Imposts	-	-	-	-	5/ (8,864)	8,864	-
All Other Funds	-	-	-	-	5/ (1,219)	1,219	-
Local Governments	-	-	-	-	685	(685)	-
Subtotal	(14,875)	(296)	(783)	(15,954)	5,642	10,312	-
Funds Drawn from or Placed in Reserves 7/	(1,138)	-	-	(1,138)	(1,913)	(356)	(3,407)
Total Funds Available	401	82	241	724	50,785	32,832	84,341
DISBURSEMENTS BY EXPENDING AGENCIES							
Capital Outlay:							
On State-Administered Highways	-	-	-	-	27,144	-	27,144
On Locally Administered Roads	-	-	-	-	1,513	9,831	11,344
Not Classified by System	124	40	56	4/ 220	-	-	220
Subtotal	124	40	56	220	28,657	9,831	38,708
Maintenance and Traffic Services:							
On State-Administered Highways	-	-	-	-	8,747	-	8,747
On Locally Administered Roads	-	-	-	-	41	14,016	14,057
Not Classified by System	-	-	74	74	-	-	74
Subtotal	-	-	74	74	8,788	14,016	22,878
Administration and Research	277	42	111	430	8/ 4,676	2,611	7,717
Highway Law Enforcement and Safety	-	-	-	-	3,910	3,181	7,091
Interest on Debt	-	-	-	-	2,157	1,461	3,618
Total Current Disbursements	401	82	241	724	48,188	31,100	80,012
Bond Retirements 6/	-	-	-	-	2,597	1,732	4,329
Grand Total Disbursements	401	82	241	724	50,785	32,832	84,341

1/ This table summarizes and consolidates data reported in greater detail in the FA, SF, SB, LGF, and LGB table series. Some data are preliminary. Tables HF-1 and HF-2 contain final data for all units of government for 1991.

2/ Data for local governments are estimated. Data for Federal and State transfers to local governments are partially estimated.

3/ This table reflects only those receipts used for highways. Highway-user revenue shown excludes amounts allocated for refunds, collection expenses, or nonhighway purposes. Excludes mass transit account of Highway Trust Fund. See Tables DF and LDF for additional information on highway-user revenue used for nonhighway purposes.

4/ Excludes payments to and expenditures in territories. See Table FA-5A for additional information.

5/ The amounts shown include an estimate of receipts for State payments to local governments that appear only in Local-level reports. These amounts exceed the corresponding data shown in the SF Table series, which are generated solely from State-level reports.

6/ Issue and redemption of short-term notes and refunding bonds are excluded.

7/ Negative numbers indicate that funds were placed in reserves.

8/ Includes $213 million of federal-aid highway funds for research and planning.

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